IN IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT case number: 86/26

High Court Case no: 2025-107022

In the matter between:

NATIONAL EMPLOYERS' ASSOCIATION OF SOUTH AFRICA	**1ST APPLICANT**
SAKELIGA NPC	**2ND APPLICANT**

and

MINISTER OF EMPLYMENT AND LABOUR	**1ST RESPONDENT**
DIRECTOR-GENERAL OF THE DEPARMENT OF EMPLOYMENT AND LABOUR	**2ND RESPONDENT**
COMMISSION FOR EMPLOYMENT EQUITY	**3RD RESPONDENT**

FILING SHEET

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1. Documents Filed: Respondents' Answering Affidavit

SIGNED at **PRETORIA** on the 12th day of **MAY 2026.**

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THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No:

HC Case No: 2025-107022

In the matter between:

NATIONAL EMPLOYERS' ASSOCIATION OF SOUTH AFRICA	First Applicant
SAKELIGA NPC	Second Applicant

and

MINISTER OF EMPLOYMENT AND LABOUR	First Respondent
DIRECTOR-GENERAL OF THE DEPARTMENT OF EMPLOYMENT AND LABOUR	Second Respondent
COMMISSION FOR EMPLOYMENT EQUITY	Third Respondent

RESPONDENTS' ANSWERING AFFIDAVIT IN OPPOSITION TO THE APPLICANTS APPLICATION FOR LEAVE TO APPEAL DATED 1 APRIL 2026

I, the undersigned

Ntsoaki Lydia Mamashela

do hereby make oath and state that:

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A. INTRODUCTION

1. I am an adult female currently employed as the Acting Chief Director: Labour Relations.

2. I am duly authorised to depose to this affidavit and to oppose this application on behalf of the First, Second and Third Respondents as appears from annexure **"AA1"** hereto..

3. The erstwhile Chief Director: Labour Relations, Thembinkosi Mkhalipi retired on 31 March 2026. I started in this position on 01 April 2026. I have been apprised of the background to this matter and have personal knowledge of the facts relating hereto as I am currently an Employment Equity Director.

4. The facts to which I depose herein are within my personal knowledge and are, except where the context indicates otherwise or I expressly say so, to the best of my knowledge and belief true and correct.

5. Any legal submissions that I may make are so made on the advice of our legal representatives and I believe them to be correct.

6. This affidavit is filed in opposition to the applicants' second attempt to this Honourable Court for leave to appeal the judgment of the Gauteng Division, Pretoria per Justice Moshoana on 28 August 2025. The Honourable Justice

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correctly dismissed Part A of the applicants application in terms of which the applicants sought an order, on an urgent basis pending the relief sought in Part B, interdicting and/or suspending the operation and implementation of:

6.1. the sectoral numerical targets published by the First Respondent (**"the Minister"**) in Government Notice No. 6124 in Government Gazette No.52514 on 15 April 2025 (**"the Sectoral Targets"**) a copy of which is annexed hereto as **"AA2"**; and

6.2. Regulations 9(1), 9(2), 9(5)(b), and 9(7) to 9(14) of the General Administrative Regulations published in Government Notice No. 6125 in Government Gazette No. 52515 on 15 April 2025 (**"the Administrative Regulations"**) a copy of which is annexed hereto as **"AA3"**.

7. On 10 March 2026, this Honourable Court refused direct leave to appeal.

8. By this time, the applicants had already petitioned the Supreme Court of Appeal (**"the SCA"**) on 10 November 2025. The SCA dismissed the application for leave to appeal on 19 March 2026 in terms of which the SCA ordered that:

"The application for leave to appeal is dismissed with costs on the grounds that there is no reasonable prospect of success in an appeal and there is no other compelling reason why an appeal should be heard."

9. The applicants now once again seek leave to appeal to this Court.

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10. I pause here to mention that the applicants have simply repeated the allegations made in their first attempt for leave to appeal to this Court.

11. The respondents maintain that the applicants fail to meet the test for leave to appeal and that this application ought to be dismissed with costs.

12. Before I address the merits of the application, I demonstrate why this application is not urgent and is an abuse of process.

13. I wish to emphasize that the judgment which the applicants seek leave to appeal to this Court concerns itself only with Part A of the application and not the review.

B. NO URGENCY

14. The applicants bring this application for leave to appeal on an "urgent" basis. They allege that:

    14.1. Part B of the application "*will be a very large application. Its scope extends beyond the targets and the regulations that are the immediate subject of this application and in respect of which interdictory relief is sought. It includes a review and a constitutional challenge to the underlying legislation…. In the combined review and constitutional challenge, the record, the issues that will be covered, and the papers that will be filed, will be voluminous. Given its size alone, it is very unlikely that the main application will to be ripe for hearing in 2026, after which*

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the parties will wait another 4 to 6 months for a hearing... Meanwhile, clearly unlawful administrative action will be implemented and the irreparable harm identified in this application will be suffered unless this Court intervenes"; and

14.2. *"The applicants persist with their attempt to appeal urgently against the High Court's refusal of interdictory relief, pending the review, because of the clear unlawfulness of the impugned administrative action concerned and the vast number of people including black, coloured, Indian and white women that will suffer irreparable harm by being refused employment or promotion if interim relief is not granted and the impugned administrative action is implemented. As set out in the affidavit below, vast numbers of businesses and individual men will also suffer irreparable harm."*

15. Firstly, the applicants are well aware that, on 6 May 2025, the High Court reserved judgment in a separate application brought by the Democratic Alliance ("the DA") in terms of which the DA sought to challenge sections 15A, 20(2A), 42(1)(aA), 53(6)(a) and 53(6)(b) of the Employment Equity Act. Despite being aware of the DA's constitutional challenge, the applicants fail to state why their constitutional challenge is different from that of the DA's application.

16. Secondly, the remedy open to the applicants does not lie in persistently running to court on an urgent basis appealing the judgment in respect of Part A of their application without demonstrating any factual evidence and irreparable harm. They ought to comply with the legislation that has been passed months ago and

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where it is unable to do so, they may raise a reasonable ground to justify their failure to comply. This they fail to do.

17. Before the High Court, they alleged that the matter was urgent because from 1 September 2025, there will be "untold mayhem", that will see employees in large scales being displaced or dismissed. To date, a year later since the publication of the targets, the applicants still fail to provide any factual evidence that demonstrates such "mayhem".

18. I submit that the court's processes and rules must be respected, and urgency is not there merely for the asking.

19. For these reasons the application ought to be dismissed with costs.

C. SALIENT BACKGROUND FACTS

20. Effective 1 January 2025, section 15A of the Employment Equity Act, became law in South Africa.

21. Section 15A provides that

> *"15A. Determination of sectoral numerical targets.—*
>
> *(1) The Minister may, by notice in the Gazette, identify national economic sectors for the purposes of this Act, having regard to any relevant code contained in the Standard Industrial*

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Classification of all Economic Activities published by Statistics South Africa.

(2) The Minister may, after consulting the relevant sectors and with the advice of the Commission, for the purpose of ensuring the equitable representation of suitably qualified people from designated groups at all occupational levels in the workforce, by notice in the Gazette set numerical targets for any national economic sector identified in terms of subsection (1).

(3) A notice issued in terms of subsection (2) may set different numerical targets for different occupational levels, sub-sectors or regions within a sector or on the basis of any other relevant factor.

(4) A draft of any notice that the Minister proposes to issue in terms of subsection (1) or subsection (2) must be published in the Gazette, allowing interested parties at least 30 days to comment thereon."

22. In Part A of its application, the applicants averred that the numerical targets set by the Minister are liable to be set aside because the Minister failed to comply with sections 15A(2) and 15A(4) of the Employment Equity Act. In particular, they alleged that,

22.1. The Minister failed to publish the Sectoral Targets in the Gazette to allow interested parties at least 30 days to comment thereon. In this regard they averred that the Minister only published the 2023 and 2024 draft targets but not the 'final' 2025 targets; and

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22.2. The Minister failed to consult. In this regard the applicants averred that:

22.2.1. The consultations that were held in relation to the 2025 targets were held prior to the sectors being identified;

22.2.2. The consultations were only held with employers and not employees; and

22.2.3. The consultations held with employers from the sectors were inadequate and no meaningful consultations were held.

23. The factual evidence however demonstrates otherwise.

23.1. Since the inception of the Employment Equity Act, the Commission noted with exception and with great concern that strategic decision-making positions (i.e. Top Management; Senior Management; and Professionally Qualified/middle management levels) are still White dominated as well as male dominated.

23.2. The Black group, African and Coloureds in particular, is primarily dominant at the Semi- Skilled and Un-skilled levels, whilst females tend to be dominant at the Skilled Technical level (Junior Management) and the Semi-skilled levels. The representation of people with disabilities remained stagnant at 1% in almost all the annual reports released by the Commission since 2000 Employment Equity Reporting period. The pace

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of transformation in the labour market and the country as a whole did not make business sense.

23.3. In 2016, the 4th Commission for Employment Equity embarked on consultative meetings with business leaders from various sectors of the South African economy. The Commission held Employment Equity Sectoral Engagements with stakeholders to understand the challenges affecting the implementation of the Employment Equity Act in organisations. The engagements produced vigorous debates from the participants and identified various factors, which contributed to the continued under-representation of the designated groups in decision-making positions in the workplace.

23.4. The stakeholders that participated in the engagements made a call and requested for the setting of Sectoral Employment Equity targets as benchmarks and the promulgation of section 53 of the Employment Equity Act for the issuing of Employment Equity Certificates of compliance as a prerequisite for access to state contracts/doing business with any organ of the state.

23.5. In June 2019, the Department and the Commission, started the process of consultation with each of the 18 identified economic sectors. The consultation process undertaken was in parallel with the Parliamentary process of the Employment Equity Amendment Bill. The intention was to avoid the delay in the implementation of the amendments after

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promulgation. The purpose of consultation with each economic sector separately was to strive to reach consensus on the setting of sector specific Employment Equity targets for the designated groups at the top four occupational levels (Top Management; Senior Management; Professionally Qualified and Skilled Technical), including for people with disabilities.

23.6. On 14 July 2019, the Socio-Economic Impact Assessment was signed.

23.7. Engagements ran from June 2019 to October 2022.

23.8. The process of consultation, including follow-up meetings with stakeholders in the 18 economic sectors was concluded in November 2022.

23.9. The draft Sector Targets were finalised and approved by the Commission on 23 March 2023.

23.10. On 14 April 2023, the President assented to the Amendment Act.

23.11. The draft Sectoral Targets were published in May 2023 for public comment for 30 days. The list of the 18 economic sectors were again listed therein.

23.12. After receiving public comments, and with the advice of the Commission, the notice was again published in February 2024 for public

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comment for a further 90 days. Reference was specifically made to "designated groups" as defined in line with the Employment Equity Act.

23.13. The Proclamation Notice on the commencement date of the Employment Equity Amendment Act 4 of 2022 (**"the Amendment Act"**) was signed by the President of the Republic of South Africa on 12 November 2024 and subsequently published in the Government Gazette. Sections 1, 8, 14 15A, 16, 20, 21, 27, 36, 37, 42, 53, 64A and Schedule 4 came into operation on 1 January 2025.

23.14. Further consultations were held in February 2025 during which the targets were discussed.

23.15. On 3 March 2025, the Commission confirmed to the Minister that the Commission finalised the two sets of the Employment Equity Regulations (that is the Sector Targets and the Administrative Regulations) and that it was aligned with the provisions of the Amendment Act.

23.16. On 15 April 2025, the Minister, under section 55(1) of the Employment Equity Act, and on the advice of the Commission for Employment Equity, published the Sector Targets and Administrative Regulations.

24. There was therefore no failure by the Minister to comply with sections 15A(2) and 15A(4) as alleged. The Minister, after consulting the relevant sectors and

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with the advice of the Commission, by notice in the Gazette set the numerical targets. The numerical targets were not whimsically set by the Minister.

25. To the extent that the applicants allege that the Minister had to consult employees, the relevant sections of the Employment Equity Act provides that:

25.1. *"13. Duties of designated employers.*

(1) Every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups in terms of this Act.

(2) A designated employer must—

(a) consult with its employees as required by section 16;

(b) conduct an analysis as required by section 19;

(c) prepare an employment equity plan as required by section 20; and

(d) report to the Director-General on progress made in implementing its employment equity plan, as required by section 21."

25.2. *"16. Consultation with employees.*

(1) A designated employer must take reasonable steps to consult and attempt to reach agreement on the matters referred to in section 17 -

(a) with a representative trade union representing members at the workplace; or

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(b) if no representative trade union represents members at the work-place, with its employees or representatives nominated by them.

(2) The employees or their nominated representatives with whom an employer consults in terms of subsection (1) (a) and (b), taken as a whole, must reflect the interests of—

(a) employees from across all occupational levels of the employer's workforce;

(b) employees from designated groups; and

(c) employees who are not from designated groups.

(3) This section does not affect the obligation of any designated employer in terms of section 86 of the Labour Relations Act to consult and reach consensus with a work-place forum on any of the matters referred to in section 17 of this Act."

25.3. *"17. Matters for consultation.*

A designated employer must consult the parties referred to in section 16 concerning -

(a) the conduct of the analysis referred to in section 19;

(b) the preparation and implementation of the employment equity plan referred to in section 20; and

(c) a report referred to in section 21."

26. The Minister did not fail to comply with what the law requires. In any event employee Trade Unions participated in the consultation process.

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27. Meaningful consultations were held with all the relevant sectors. It would be a misinterpretation of section 15(A)(2) and (4) and a misunderstanding of the concept of consultation if one were to approach it as if it is intended to allow parties to exhaustively discuss or iron out divergent views until some mutually acceptable basis to proceed from, is found. There is no legal entitlement to insist on a negotiated settlement on the Sectoral Targets.

28. To the extent that the applicants seek to argue that the sector engagements could not take place prior to the Amendment Act being assented to, they are wrong.

29. There was no premature exercise of power. A power or duty contained in any legislation that has been passed, may be exercised or carried out before the date of operation of that legislation provided the exercise of the power or the carrying out of the duty is necessary to bring that legislation into effect.

30. Furthermore, section 14 of the Interpretation Act 33 of 1957, allows the exercise of powers conferred by a law between the time it is passed and the time it comes into operation. Section 14 provides:

> *"14. Exercise of conferred powers between passing and commencement of a law.*
>
> *Where a law confers a power—*
> *(a) to make any appointment; or*
> *(b) to make, grant or issue any instrument, order, warrant, scheme, letters patent, rules, regulations or by-laws; or*
> *(c) to give notices; or*
> *(d) to prescribe forms; or*
> *(e) to do any other act or thing for the purpose of the law,*

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that power may, unless the contrary intention appears, be exercised at any time after the passing of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof: Provided that any instrument, order, warrant, scheme, letters patent, rules, regulations or by-laws made, granted or issued under such power shall not, unless the contrary intention appears in the law or the contrary is necessary for bringing the law into operation, come into operation until the law comes into operation."

31. There are therefore pragmatic reasons for this.

32. In any event further engagements took place after April 2023.

33. The applicants' statement that the Court can accept that it has seen *"the high-water mark of the respondents' case in answer to the grounds of unlawfulness raised by the applicants"* is a clear abuse of process and ought to be rejected with the contempt it deserves.

D. TEST FOR LEAVE TO APPEAL NOT SATISFIED

34. The Respondents submit that the Applicants have failed to demonstrate that they have reasonable prospects of success on appeal. There is furthermore no compelling reasons why the appeal should be heard.

35. The Minister has exercised the statutory power in April 2025. Administrative action remains valid and is adorned with legal consequences until set aside by a Court of competent jurisdiction.

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36. What the applicants sought in Part A of the application is an interdict and/or suspension of the operation and implementation of the Sectoral Targets and Administrative Regulations.

37. However, before an interim interdict may be granted, one of the most crucial requirements to meet is that the applicant must have a reasonable apprehension of irreparable and imminent harm eventuating should the order not been granted. There is none in this case.

38. Designated employers were always required in terms of the Employment Equity Act to draft their employment equity plans and set their own numerical targets annually. With the introduction of the Sector Targets and the Administrative Regulations, this has not changed. All that is required is that a designated employer will be required to set numerical targets in line with the applicable Sectoral Targets over a 5 year period. Designated employers who cannot comply can justify why they unable to comply for any given period.

39. Furthermore, on application of the doctrine of separation of powers, a Court is not empowered to, for the sake of what appears to be the convenience of a party, simply suspend powers lawfully exercised by another arm of the State.

40. The arguments of the sort raised by the applicants clearly demonstrate that the applicants fail to appreciate what this Court held in ***Solidarity and Others v Department of Correctional Services and Others 2016 (5) SA 594 (CC)*** at paras 40-47:

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"[40] In my view the application of the Barnard principle is not limited to White candidates. Black candidates, whether they are African people, Coloured people or Indian people are also subject to the Barnard principle. Indeed, both men and women are also subject to that principle. This has to be so because the transformation of the workplace entails, in my view, that the workforce of an employer should be broadly representative of the people of South Africa. A workplace or workforce that is broadly representative of the people of South Africa cannot be achieved with an exclusively segmented workforce. For example, a workforce that consists of only White and Indian managers and, thus, excludes Coloured people and African people or a senior management that consists of African people and Coloured people only and excludes White people and Indian people or a senior management that has men only and excludes women. If, therefore, it is accepted that the workforce that is required to be achieved is one that is inclusive of all these racial groups and both genders, the next question is whether there is a level of representation that each group must achieve or whether it is sufficient if each group has a presence in all levels no matter how insignificant their presence may be. In my view, the level of representation of each group must broadly accord with its level of representation among the people of South Africa.

[41] It would be unacceptable, for example, for a designated employer to have a workforce of five hundred employees fifty of whom occupy senior management positions but only five of those senior management positions are held by African people when twenty are held by White people, fifteen by Coloured people and ten by Indian people despite the fact that in the population of South Africa, African people are by far the majority. Such a workforce could not conceivably be said to be broadly representative of the people of South Africa.

[42] Why do I say that a designated employer is required to work towards achieving a workforce that is broadly representative of the people of South Africa? I say so because, upon a proper construction of the EE Act read with the relevant provisions of the Constitution, the Public Service Act and the Correctional Services Act, that is what is required. Section 9(2) of the Constitution provides:

> *"(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken."*

...

[46] Nobody can justifiably dispute that, although under apartheid and racial discriminatory laws and practices all Black people suffered hardships, the greatest hardships were suffered by the African people. Indeed, this much was recognised by the High Court in Motala and by the Labour

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Court in this case. Therefore, any corrective measure, such as an employment equity plan or an affirmative action programme, cannot succeed in reversing the imbalances of the past if it is based on the notion that Black people would be equitably represented in a workforce or in a particular occupational level if there are enough Coloured people or Indian people even if there are no African people or there are only a few African people.

[47] The EE Act is a legislative measure contemplated in section 9(2) of the Constitution."

41. This court is with respect being dragged to stop dead the transformation framework envisaged by the Employment Equity Act. The Minister has acted lawfully and the court with respect should be astute not to stop dead the exercise of this power.

42. All that this application seeks to do is to entrench the inequalities of the past for years to come. By preserving the status quo until the finalization of the Part B review and any appeals thereafter, the measures intended to transform the labour market and address the past imbalances to uplift the most vulnerable groups will be further delayed. This is not inconsequential.

43. In interpreting any statutory provision, one must start with the words, affording them their ordinary meaning, bearing in mind that statutory provisions should always be interpreted purposively, be properly contextualised and must be construed consistently with the Constitution. This is a unitary exercise.

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44. It is pertinent to highlight what this Court held in **National Treasury and Others v Opposition to Urban Tolling Alliance and Others**[1]

> *"[44] The common law annotation to the Setlogelo test is that courts grant temporary restraining orders against the exercise of statutory power only in exceptional cases and when a strong case for that relief has been made out. Beyond the common law, separation of powers is an even more vital tenet of our constitutional democracy. This means that the Constitution requires courts to ensure that all branches of Government act within the law. However, courts in turn must refrain from entering the exclusive terrain of the Executive and the Legislative branches of Government unless the intrusion is mandated by the Constitution itself.*
>
> *[45] It seems to me that it is unnecessary to fashion a new test for the grant of an interim interdict. The Setlogelo test, as adapted by case law, continues to be a handy and ready guide to the bench and practitioners alike in the grant of interdicts in busy Magistrates' Courts and High Courts. However, now the test must be applied cognisant of the normative scheme and democratic principles that underpin our Constitution. This means that when a court considers whether to grant an interim interdict it must do so in a way that promotes the objects, spirit and purport of the Constitution.*
>
> *[46] Two ready examples come to mind. If the right asserted in a claim for an interim interdict is sourced from the Constitution it would be redundant to enquire whether that right exists. Similarly, when a court weighs up where the balance of convenience rests, it may not fail to consider the probable impact of the restraining order on the constitutional and statutory powers and duties of the state functionary or organ of state against which the interim order is sought.*
>
> *[47] The balance of convenience enquiry must now carefully probe whether and to which extent the restraining order will probably intrude into the exclusive terrain of another branch of Government. The enquiry must, alongside other relevant harm, have proper regard to what may be called separation of powers harm. A court must keep in mind that a temporary restraint against the exercise of statutory power well ahead of the final adjudication of a claimant's case may be granted only in the clearest of cases and after a careful consideration of separation of powers harm. It is neither prudent nor necessary to define "clearest of cases". However one important consideration would be whether the harm apprehended by the claimant amounts to a breach of one or more fundamental rights warranted by the Bill of Rights. This is not such a case."*

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[1] 2012 (6) SA 223 (CC) ("OUTA") at 237, para [44]-[47]

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45. A party cannot create a constitutional interpretation dispute by creating a patently untenable interpretation at variance with the clear words of the statute.

46. There can be no doubt that the impugned sections are a legitimate remedial measure or affirmative action measures within the scope of section 9(2) of the Constitution. That being so it cannot, by its contents, in law be unconstitutional.

47. What the Employment Equity Act, the Sectoral Targets and the Administrative Regulations envisage are employment equity targets and allows for flexibility. This is not arbitrary or unconstitutional.

48. Courts do not review provisions of acts of Parliament on the grounds that they are unreasonable. They will do so only if they are satisfied that the legislation is not rationally connected to a legitimate government purpose.

49. This Court has recognised that:

"...our Constitution differs from other constitutions which assume that all are equal and in so doing simply entrench existing inequalities. Our Constitution recognises that decades of systematic racial discrimination entrenched by the apartheid legal order cannot be eliminated without positive action being taken to achieve that result . . . The effects of discrimination may continue indefinitely unless there is a commitment to end it"[2]

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2 **Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Others** 2004 (4) SA 490 (CC) at para [74]

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50. The Employment Equity Act and the Sectoral Targets are an honest, *bona fide* and constitutional commitment to end the effects of decades of systematic racial discrimination entrenched by the apartheid legal order.

51. As this Court has held, the application of the *Barnard* principle is not limited to White candidates. Black candidates, whether they are African people, Coloured people or Indian people are also subject to the Barnard principle. Indeed, both men and women are also subject to that principle. This has to be so because the transformation of the workplace entails that the workforce of an employer should be broadly representative of the people of South Africa. A workplace or workforce that is broadly representative of the people of South Africa cannot be achieved with an exclusively segmented workforce. For example, a workforce that consists of only White and Indian managers and, thus, excludes Coloured people and African people or a senior management that consists of African people and Coloured people only and excludes White people and Indian people or a senior management that has men only and excludes women. If, therefore, it is accepted that the workforce that is required to be achieved is one that is inclusive of all these racial groups and both genders, the next question is whether there is a level of representation that each group must achieve or whether it is sufficient if each group has a presence in all levels no matter how insignificant their presence may be. The level of representation of each group must broadly accord with its level of representation among the people of South Africa.

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52. For all the above reasons, this application for leave to appeal should be dismissed with costs on the grounds that there is no reasonable prospect of success and there is no other compelling reason why the matter should be heard.

E. SPECIFIC AVERMENTS OF THE FOUNDING AFFIDAVIT

53. I now turn to deal with the specific averments in the founding affidavit to the extent necessary.

54. Ad paragraphs 11 and 12

The contents of these paragraphs are denied for the reasons already advanced.

55. Ad paragraphs 13 and 14

The issues relating to the record for purposes of Part B of the application is irrelevant to the matter at hand and will not be addressed herein.

56. Ad paragraphs 15 to 18

The contents of these paragraphs are denied for the reasons already advanced.

57. Ad paragraphs 31 to 38

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57.1. For the reasons already advanced, I deny that the targets are unconstitutional, unlawful and invalid and that their implementation will cause irreparable harm to the constitutional rights of thousands of employers and employees.

57.2. The applicants have not demonstrated a reasonable prospect of success on appeal nor is there a compelling reasons for the appeal to be heard.

58. Ad paragraph 39 to 46

58.1. The averments made in these paragraphs are denied .

58.2. There is no unfair discrimination for the reasons already stated.

58.3. The setting of the Sectoral Targets is not a mere thumbsuck.

58.4. With respect, this court cannot be called upon on an urgent basis to make a determination whether the calculations employed by the respondents are arbitrary. Years of work have been put in to determine the Sectoral Targets. The respondents cannot be called upon in these proceedings to demonstrate otherwise. Furthermore, a court cannot determine a specific sectoral target that should apply.

58.5. I deny that the Minister failed to comply with the provisions of the Employment Equity Act. I specifically deny that the Minister failed to comply with the Act in respect of publication and consultations.

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58.6. The Sectoral Targets are not arbitrary and were not set according to a methodology that does not take into account the nature and circumstances of the sectors. Each Sectoral Target was determined with each sector in mind and a socio-economic impact assessment was done.

58.7. There is no irreparable harm as alleged. No factual basis is laid out in this regard.

58.8. I further deny that the alleged constitutional rights are implicated and will be irreparably harmed if the High Court judgment is not overturned and interim relief not granted.

58.9. Designated employers were always required in terms of the Employment Equity Act to draft their employment equity plans and set their own numerical targets annually. With the introduction of the Sector Targets and the Administrative Regulations, this has not changed. All that is required is that a designated employer will be required to set numerical targets in line with the applicable Sectoral Targets over a 5 year period. Designated employers who cannot comply can justify why they unable to comply for any given period.

58.10. All that this application seeks to do is to entrench the inequalities of the past for years to come.

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58.11. By preserving the status quo until the finalization of the Part B review and any appeals thereafter, the measures intended to transform the labour market and address the past imbalances to uplift the most vulnerable groups will be further delayed. This is not inconsequential.

58.12. There is no basis for the Minister to withdraw the targets and set new targets.

59. Ad paragraphs 47 to 54

59.1. There are no exceptional circumstances.

59.2. Exceptional circumstances do not arise merely because the applicant says there are exceptional circumstances. It is incumbent upon an applicant to demonstrate its existence.

59.3. Again I repeat that designated employers were always required in terms of the Employment Equity Act to draft their employment equity plans and set their own numerical targets annually. With the introduction of the Sector Targets and the Administrative Regulations, this has not changed. All that is required is that a designated employer will be required to set numerical targets in line with the applicable Sectoral

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Targets over a 5 year period. Designated employers who cannot comply can justify why they unable to comply for any given period.

59.4. There is no irreparable harm that will be suffered.

60. Ad paragraphs 55 to 88

60.1. The contents of these paragraphs have already been addressed and are accordingly denied.

60.2. The grounds relied upon by the applicants insofar as the constitutional challenge is concerned will be addressed at the appropriate stage in Part B.

60.3. Years of work have been put in to determine the Sectoral Targets. The respondents cannot be called upon in these proceedings to respond to these allegations. Further, with respect, this Court cannot be called upon to make a determination whether the calculations so employed by the respondents disadvantage women.

60.4. I submit with respect that the examples provided by the applicants are misconceived and demonstrate the applicants' poor understanding of the issue.

60.5. The remedy open to the applicants does not lie in running to court on an urgent basis and seeking an interdict on issues that have been in the

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public domain since April 2025. It ought to comply with legislation that has been passed months ago and where it is unable to do so to justify its reasons why.

61. Ad paragraphs 89 to 91

61.1. There is nothing alarming or untenable about the approach taken by the court *a quo*.

61.2. The respondents submit that the court *a quo* based its decision on the facts and the law. There are no grounds that an appeal court could reasonably arrive at a conclusion different to that of the court *a quo* in respect of Part A of the application.

62. Ad paragraphs 92 to 169

62.1. For the reasons already advanced I deny any unlawfulness as alleged or at all.

62.2. The respondents submit that the Minister complied with sections 15A of the Employment Equity Act. The Minister, after consulting the relevant sectors and with the advice of the Commission, by notice in the Gazette set the numerical targets.

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62.3. Comprehensive and broad consultations were conducted in terms of sections 15A(2) and (4) of the Act by the Minister in conjunction with the Commission for Employment Equity.

62.4. The Minister published the Sectoral Targets after consulting the relevant sectors and with the advice of the Commission. The drafts were published for public comment. There is no requirement that the drafts so published cannot be changed. This is the very purpose of obtaining public comment.

62.5. There will always be different targets. These targets do not remain the same at any given point, data changes there is nothing markedly different.

62.6. It would be a misinterpretation of section 15(A)(2) and (4) and a misunderstanding of the concept of consultation if one were to approach it as if it is intended to allow parties to exhaustively discuss or iron out divergent views until some mutually acceptable targets are found. There is no legal entitlement to insist on a negotiated settlement on the Sectoral Targets.

62.7. I have already addressed the methodology that was used as well as the alleged discrimination against women.

62.8. There is no merit to any of the grounds of review. The respondents will comprehensively address the alleged grounds of review at the appropriate stage.

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62.9. The remainder of the allegations made have already been addressed and are accordingly denied.

63. Ad paragraphs 170 to 174

63.1. It is not in dispute that the Minister has already exercised the statutory power in April 2025.

63.2. Administrative action remains valid and is adorned with legal consequences until set aside by a Court of competent jurisdiction. The administrative action of 15 April 2025 therefore remains valid until set aside by a Court of competent jurisdiction.

63.3. What the applicants sought in Part A of the application is an interdict and/or suspension of the operation and implementation of the Sectoral Targets.

63.4. There are no grounds that an appeal court could reasonably arrive at a conclusion different to that of the court *a quo* in respect of Part A of the application.

63.5. The averments made in these paragraphs are accordingly denied.

64. Ad paragraphs 175 to 182

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64.1. The contents of these paragraphs have already been addressed and are accordingly denied.

65. Ad paragraphs 183 and 184

65.1. The applicants have no reasonable prospects and fail the test for leave to appeal.

65.2. There is no well-grounded apprehension of irreparable harm. I further deny that the balance of convenience favors the applicants.

65.3. By preserving the status quo until the finalization of the Part B review and any appeals thereafter, the measures intended to transform the labour market and address the past imbalances to uplift the most vulnerable groups will be further delayed.

65.4. In the main, we are concerned with measures towards the attainment of substantive equality in terms of the Constitution. Equitable representation of designated groups pursuant to the Employment Equity Act is a measure by which the right to equality is justifiably limited with a view to addressing the effects of unfair discrimination of the past.

65.5. What is remiss of the Applicants' argument is that it fails to appreciate that restitution or affirmative measures are steps towards the attainment of substantive equality. Steps so taken within the limits that the

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Constitution imposes are geared towards the advancement of equality. This is what the Sectoral Targets seek to achieve. It seeks to level the fields and ensure equal opportunities.

F. CONDONATION

66. This application was sent electronically to the respondents attorney, Mr Vuledzani Mulaudzi (**"Mr Mulaudzi"**) of the Office of the State Attorney on 1 April 2026.

67. Mr Mulaudzi was however on leave on 1 and 2 April 2026 for the Easter Weekend Friday, 3 April 2026 as well as Monday 6 April 2026 being public holidays. A copy of Mr Mulaudzi's leave form is annexed hereto marked **"AA5"** hereto.

68. Upon his return to work after the Easter break on Tuesday, 7 April 2026 Mr Mulaudzi was inundated with emails he was further preparing for a regional court trial scheduled for Friday, 10 April 2026. In light hereof, he appears to have the email from the applicants.

69. It was only on 14 April 2026 that he saw the email and immediately forwarded it to the respondents for instructions. The respondents instructions were received on 15 April 2026. On 16 April 2026, a notice to oppose was filed. Formal instructions to Counsel then followed on 17 April 2026.

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70. A confirmatory affidavit by Mr Mulaudzi is annexed hereto marked **"AA4"**.

71. I submit that the applicants suffer no prejudice for the late filing of the answering affidavit. I further submit that the respondents have good prospects of success.

G. CONCLUSION

72. For all the above reasons, I deny that the applicants have made out a case for the relief sought.

73. Having regard to the applicants' delay in launching the Part A application as well as the pending judgment in the DA matter before the High Court on the very subject of the matter, the respondents seek an order of costs against the applicants.

WHEREFORE the respondents respectfully pray for an order dismissing the application with costs.

Ntsoaki Lydia Mamashela

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I certify that the deponent has acknowledged that s/he knows and understands the contents of this affidavit which was signed and sworn to before me at PRETORIA on this 11th day of May 2026, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended and Government Notice No. 1648 of 19 August 1977, having been complied with.

DIRECTOR OF PUBLIC PROSECUTIONS
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MACHEVELE KHETANI FREDDY

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DELEGATION OF AUTHORITY: THE ACTING CHIEF DIRECTOR: LABOUR RELATIONS

I, the undersigned

NOMAKHOSAZANA METH

Hereby delegate Dr. Ntsoaki Mamashela in her capacity as Acting Chief Director: Labour Relations to be the deponent of all affidavits in relation to litigation matters of the Department of Employment and Labour regarding the Labour Relations Act 1995, (Act No. 66 of 1995) as amended, the Employment Equity Act, 1998 (Act No.55 of 1998) as amended, the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), as amended and the National Minimum Wage Act, 2018 (Act No. 9 of 2018), as amended, including on behalf of the Commission for Employment Equity and the National Minimum Wage Commission.

The abovementioned legislations fall within the ambit of the Chief Directorate: Labour Relations and accordingly Dr. Ntsoaki Mamashela has personal knowledge of all litigation matters in relation thereto.

Please be advised that I reserve the right to exercise the power conferred herein, as well as the right to amend and / or withdraw the power.

Ms. Nomakhosazana Meth, MP

Minister of Department of Employment and Labour

Date: **29 April 2026**

By my signature herein below, I hereby accept the delegation of deponent as aforesaid.

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2026.04.29 19:26:57 +02'00'

Dr. Ntsoaki Mamashela

Acting Chief Director: Labour Relations

Date: _____

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Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
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DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 6124 **15 April 2025**

EMPLOYMENT EQUITY ACT, 1998 (ACT 55 OF 1998 AS AMENDED)

DETERMINATION OF SECTORAL NUMERICAL TARGETS

I, **Nomakhosazana Meth**, Minister of Employment and Labour in terms of 15A (1) and (2) of the Employment Equity Act, 1998 (Act No. 55 of 1998 as amended), after consulting the relevant sectors and with the advice of the Commission for Employment Equity, hereby publish this notice identifying national economic sectors and determining the sectoral numerical targets effective from the date of publication.

MS NOMAKHOSAZANA METH, MP

MINISTER: DEPARTMENT OF EMPLOYMENT AND LABOUR

DATE: 10 April 2025

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1. Identification of Economic Sectors

In terms of section 15A (1) of the Employment Equity Act, 1998 (Act No. 5 of 1998, as amended) ("the Act"), and having regard to the codes contained in the Standard Industrial Classification of all Economic Activities published by Statistic South Africa, the national economic sectors listed below are identified for the purposes of the Act:

1.1. Accommodation and Food Service Activities

1.2. Administrative and Support Activities

1.3. Agriculture, Forestry & Fishing

1.4. Arts, Entertainment and Recreation

1.5. Construction

1.6. Education

1.7. Electricity, Gas, Steam and Air Conditioning Supply

1.8. Financial and Insurance Activities

1.9. Human Health and Social Work Activities

1.10. Information and Communication

1.11. Manufacturing

1.12. Mining and Quarrying

1.13. Professional, Scientific and Technical Activities

1.14. Public Administration and Defence; Compulsory Social Security

1.15. Real Estate Activities

1.16. Transportation and Storage

1.17. Water Supply, Sewerage, Waste Management and Remediation Activities

1.18. Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles

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2. Sectoral numerical targets

2.1. In terms of section 15A(2) of the Act, for the purpose of ensuring the equitable representation of suitably qualified people from designated groups at all occupational levels in the workforce, the numerical targets for the economic sectors identified in terms of section 15A(1) are set out in the Table below.

2.2. The targets set out in this notice are operative from the date of publication.

3. Implementation of Affirmative Action measures

For purposes of clarity, it is stated that –

3.1. The 5-year sectoral numerical targets set out in this Notice are not intended to add up to 100%; as the sectoral numerical target excludes white males with no disabilities and foreign nationals as part of the workforce profile.

3.2. The manner in which designated employers must take the targets into account in applying affirmative action measures is specified in the Act, the General Administrative EE Regulations and Codes of Good Practice issued under the Act.

3.3. A designated employer will not incur penalties or any form of disadvantage if in the assessment of compliance of affirmative action in any workplace it shows that there are reasonable grounds for not complying with the EE targets.

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1. 5-Year Sectoral Numerical Targets for All Sectors

The table below contains the 5-year sectoral numerical targets for the various population groups and gender for Top Management, Senior Management, Professionally Qualified and Skilled levels; and for employees with disabilities.

5-YEAR SECTORAL NUMERICAL TARGETS					
		1. ACCOMMODATION AND FOOD SERVICE ACTIVITIES	2. ADMINISTRATIVE AND SUPPORT ACTIVITIES	3. AGRICULTURE, FORESTRY & FISHING	4. ARTS, ENTERTAINMENT AND RECREATION
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	18.6%	33.2%	13.2%	35.1%
	Female	38.1%	36.7%	20.8%	33.5%
	Total	56.7%	69.9%	34.0%	68.6%
Senior Management	Male	32.2%	42.3%	21.6%	40.3%
	Female	46.1%	43.5%	31.0%	43.8%
	Total	78.3%	85.8%	52.6%	84.1%
Professionally Qualified & Middle Management	Male	38.6%	49.2%	34.7%	49.8%
	Female	46.1%	46.1%	41.7%	46.1%
	Total	84.7%	95.3%	76.4%	95.9%
Skilled Technical	Male	49.8%	49.8%	49.8%	49.8%
	Female	46.1%	46.1%	44.0%	46.1%
	Total	95.9%	95.9%	93.8%	95.9%
Disability only	All	3%	3%	3%	3%

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5-YEAR SECTORAL NUMERICAL TARGETS					
		5. CONSTRUCTION	6. EDUCATION	7. ELECTRICITY, GAS, STEAM AND AIR CONDITIONING SUPPLY	8. FINANCIAL AND INSURANCE ACTIVITIES
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	30.0%	27.6%	31.7%	27.8%
	Female	24.8%	46.1%	27.9%	35.3%
	Total	54.8%	73.7%	59.6%	63.1%
Senior Management	Male	38.3%	30.5%	42.7%	31.7%
	Female	27.8%	46.1%	39.5%	45.3%
	Total	66.1%	76.6%	82.2%	77.0%
Professionally Qualified & Middle Management	Male	46.7%	43.0%	49.8%	40.7%
	Female	34.4%	46.1%	46.1%	46.1%
	Total	81.1%	89.1%	95.9%	86.8%
Skilled Technical	Male	49.8%	49.8%	49.8%	49.5%
	Female	46.1%	46.1%	46.1%	46.1%
	Total	95.9%	95.9%	95.9%	95.6%
Disability only	All	3%	3%	3%	3%

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5-YEAR SECTORAL NUMERICAL TARGETS					
		9. HUMAN HEALTH AND SOCIAL WORK ACTIVITIES	10. INFORMATION AND COMMUNICATION	11. MANUFACTURING	12. MINING AND QUARRYING
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	27.6%	25.4%	24.1%	33.1%
	Female	43.7%	31.2%	25.0%	24.4%
	Total	71.3%	56.6%	49.1%	57.5%
Senior Management	Male	39.8%	28.6%	32.4%	36.3%
	Female	46.1%	40.0%	33.6%	28.2%
	Total	85.9%	68.6%	66.0%	64.5%
Professionally Qualified & Middle Management	Male	49.8%	37.9%	40.4%	43.2%
	Female	46.1%	38.9%	37.7%	34.4%
	Total	95.9%	76.8%	78.1%	77.6%
Skilled Technical	Male	49.8%	46.0%	49.8%	49.8%
	Female	46.1%	45.7%	39.6%	36.9%
	Total	95.9%	91.7%	89.4%	86.7%
Disability only	All	3%	3%	3%	3%

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5-YEAR SECTORAL NUMERICAL TARGETS					
		13. PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES	14. PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	15. REAL ESTATE ACTIVITIES	16. TRANSPORTATION AND STORAGE
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	24.4%	49.8%	18.9%	32.2%
	Female	38.1%	41.9%	30.3%	30.0%
	Total	62.5%	91.7%	49.2%	62.2%
Senior Management	Male	29.9%	49.8%	22.9%	42.1%
	Female	46.1%	46.1%	46.1%	35.9%
	Total	76.0%	95.9%	69.0%	78.0%
Professionally Qualified & Middle Management	Male	35.9%	49.8%	32.4%	46.3%
	Female	46.1%	46.1%	46.1%	40.7%
	Total	82.0%	95.9%	78.5%	87.0%
Skilled Technical	Male	49.8%	49.8%	38.3%	49.8%
	Female	46.1%	46.1%	46.1%	41.4%
	Total	95.9%	95.9%	84.4%	91.2%
Disability only	All	3%	3%	3%	3%

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5-YEAR SECTORAL NUMERICAL TARGETS			
		17. WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES	18. WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS
Top management	Male	49.8%	24.2%
	Female	35.9%	27.5%
	Total	85.7%	51.7%
Senior Management	Male	49.8%	35.0%
	Female	41.0%	38.6%
	Total	90.8%	73.6%
Professionally Qualified & Middle Management	Male	49.8%	42.2%
	Female	46.1%	46.1%
	Total	95.9%	88.3%
Skilled Technical	Male	49.8%	48.1%
	Female	46.1%	46.1%
	Total	95.9%	94.2%
Disability only	All	3%	3%

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DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 6125 **15 April 2025**

REPEAL OF EMPLOYMENT EQUITY REGULATIONS, 2014

I, **Nomakhosazana Meth**, Minister of Employment and Labour, in terms of Section 55(1) of the Employment Equity Act, 1998 (Act No. 55 of 1998 as amended), and on the advice of the Commission for Employment Equity, hereby repeal the Regulations made in terms of the Employment Equity Act, 55 of 1998, published under Government Notice No. 37873 of 1 August 2014. This Notice will be effective from the date of publication.

MS. NOMAKHOSA ZANA METH, MP
MINISTER OF EMPLOYMENT AND LABOUR

DATE: 10 April 2025

DEPARTMENT OF EMPLOYMENT AND LABOUR

EMPLOYMENT EQUITY REGULATIONS, 2025

I, **Nomakhosazana Meth**, Minister of Employment and Labour, hereby under section 55(1) of the Employment Equity Act, 1998 (Act 55 of 1998 as amended), and on the advice of the Commission for Employment Equity, publish the Employment Equity Regulations in the Schedule, which regulations will be effective from the date of publication.

MS. NOMAKHOSAZANA METH, MP
MINISTER OF EMPLOYMENT AND LABOUR

DATE: 10 April 2025

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SCHEDULE

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WORK OF EQUAL VALUE

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3. Eliminating unfair discrimination
4. Meaning of work of equal value
5. Methodology
6. Assessing whether work is of equal value
7. Factors justifying differentiation in terms and conditions of employment

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1. **Definitions**

In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context indicates otherwise.

"Department" means the Department of Employment and Labour;

"**EAP**" means Economically Active Population;

"EE Plan" means the Employment Equity Plan as contemplated in section 20 of the Act;

"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995), as amended;

"listed ground" means a ground listed in terms of section 6(1) of the Act;

"National Minimum Wage Commission" means the National Minimum Wage Commission as established in terms of the National Minimum Wage Act, 2018 (Act No. 9 of 2018), as amended;

"regional demographics" means the Provincial Economically Active Population;

"temporary employees" means employees who are employed for less than three months;

"the Act" means the Employment Equity Act, 1998 (Act No. 55 of 1998), as amended; and

"work of equal value" includes work that is the same, substantially the same or of the same value as other work, as contemplated in regulation 4 of these Regulations.

EQUAL PAY FOR WORK OF EQUAL VALUE

2. **Equal Pay for Work of Equal Value Criteria**

These Regulations are published to prescribe the criteria and methodology for assessing work of equal value contemplated in section 6(4) of the Act.

3. **Eliminating unfair discrimination**

(1) An employer must, in order to eliminate unfair discrimination, take steps to eliminate differences in terms and conditions of employment, including remuneration of employees who perform work of equal value if those differences are directly or indirectly based on a listed ground or any arbitrary ground that is prohibited by section 6(1) of the Act.

(2) Without limiting sub-regulation (1), an employer must ensure that employees are not paid different remuneration for work of equal value based on race, gender or disability.

4. **Meaning of work of equal value**

For the purposes of these Regulations, the work performed by an employee –

(1) is the same as the work of another employee of the same employer, if their work is identical or interchangeable;

(2) is substantially the same as the work of another employee employed by that employer, if the work performed by the employees is sufficiently similar that they can reasonably be considered to be performing the same job, even if their work is not identical or interchangeable;

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(3) is of the same value as the work of another employee of the same employer in a different job, if their respective occupations are accorded the same value in accordance with regulations 5 to 7.

5. **Methodology**

When, applying section 6(4) of the Act –

(1) it must first be established:

(a) whether the work concerned is of equal value in accordance with regulation 6; and

(b) whether there is a difference in terms and conditions of employment, including remuneration.

(2) it must then be established whether any difference in terms of sub-regulation (1)(b) constitutes unfair discrimination, applying the provisions of section 11 of the Act.

6. **Assessing whether work is of equal value**

(1) In considering whether work is of equal value, the relevant jobs must be objectively assessed, taking into account the following criteria:

(a) the responsibility demanded of the work, including responsibility for people, finances and material;

(b) the skills and qualifications, including prior learning and experience, required to perform the work, whether formal or informal;

(c) the physical, mental and emotional effort required to perform the work; and

(d) to the extent that it is relevant, the conditions under which work is performed, including the physical environment, psychological conditions, time when and geographic location where the work is performed.

(2) In addition to the criteria specified in sub-regulation (1), any other factor indicating the value of the work may be taken into account in evaluating work, provided the employer shows that the factor is relevant to assessing the value of the work.

(3) The assessment undertaken in terms of sub-regulations (1) and (2) must be conducted in a manner that is free from bias on grounds of race, gender, disability or on any other ground contemplated in section 6(1) of the Act.

(4) Despite sub-regulations (1) and (2), an employer may justify the value assigned to an employee's work by reference to the classification of a relevant job in terms of a sectoral determination made by the Minister of Employment and Labour in terms of section 55 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) which applies to the employer.

7. **Factors justifying differentiation in terms and conditions of employment**

(1) If employees perform work that is of equal value, a difference in terms and conditions of employment, including remuneration, is not unfair discrimination if the difference is fair and rational and is based on any one or a combination of the following grounds:

(a) the individuals' respective seniority or length of service;

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(b) the individuals' respective qualifications, ability, competence or potential above the minimum acceptable levels required for the performance of the job;

(c) the individuals' respective performance, quantity or quality of work, provided that employees are equally subject to the employer's performance evaluation system, that the performance evaluation system is consistently applied;

(d) where an employee is demoted as a result of organisational restructuring or for any other legitimate reason without a reduction in pay and fixing the employee's salary at this level until the remuneration of employees in the same job category reaches this level;

(e) where an individual is employed temporarily in a position for purposes of gaining experience or training and as a result receives different remuneration or enjoys different terms and conditions of employment;

(f) the existence of a shortage of relevant skill, or the market value in a particular job classification; and

(g) any other relevant factor that is not unfairly discriminatory in terms of section 6(1) of the Act.

(2) A differentiation in terms and conditions of employment based on one or more grounds listed in sub-regulation (1) will be fair and rational if it is established, in accordance with section 11 of the Act, that –

(a) its application is not biased against an employee or group of employees based on race, gender or disability or any other ground listed in section 6(1) of the Act; and

(b) it is applied in a proportionate manner.

DUTIES OF A DESIGNATED EMPLOYER

8. **Collecting information and conducting an analysis**

(1) When a designated employer collects information contemplated in section 19 of the Act, the employer must request each employee in the workforce to complete a declaration using the **EEA1** form.

(2) Where an employee refuses to complete the **EEA1** form or provides inaccurate information, the employer may establish the designation of an employee by using reliable historical and existing data, and persons with disabilities have the right not to declare their disability.

(3) A designated employer must conduct an analysis as required by section 19 of the Act by reviewing its workforce profile and employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups from being equitably represented across all occupational levels, and the outcome of the analysis must be reported using the **EEA12** template in these regulations.

(4) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act as a guide when collecting information and conducting the analysis required by section 19 of the Act.

(5) When a designated employer conducts the analysis required by section 19 of the Act, the employer may refer to –

(a) **EEA8**, a guide on the applicable national and regional economically active population (EAP); and

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(b) **EEA9**, which contains a description of occupational levels.

(6) A designated employer must record on the **EEA12** template whether it is using the national or regional EAP as a basis for conducting its analysis in terms of section 19 of the Act.

9. **Duty to prepare and implement an Employment Equity Plan (EE Plan)**

(1) Designated employers must prepare and implement an EE Plan for the period from 1 September 2025 until 31 August 2030.

(2) Employers who become designated employers, after 1 April 2025, must prepare an EE Plan for the remainder of the period until 31 August 2030.

(3) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act when preparing an EE Plan contemplated in section 20 of the Act.

(4) The EE Plan must contain, at a minimum, all the elements contained in the **EEA13** template of these regulations.

(5) When developing EE Plans and setting annual numerical targets in their workplaces in terms of Section 20(2) of the EEA, designated employers must take into account -

(a) their workforce profile,

(b) the relevant 5-year sectoral numerical targets; and

(c) the applicable EAP.

(6) In addition to the factors listed in sub-regulation (5), a designated employer may take into account any of the following to the extent that they are consistent with the purpose of the Act –

(a) the inherent requirements of a particular job;

(b) the pool of suitably qualified persons;

(c) the formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job, as contemplated in sections 20(3) to (5) of the Act;

(d) the rate of turnover and natural attrition within the workplace; and

(e) recruitment and promotional trends within a workplace.

(7) A designated employer must –

(a) comply with the numerical targets set in terms of section 15A(3) for the economic sector in which they operate;

(b) refer to the Ministerial notice issued in terms of section 15A and **EEA17** to the regulations to determine the sector they operate in; and

(c) if it operates in more than one sector, apply the numerical targets for the sector in which the majority of their employees are engaged.

(8) The 5-year sectoral numerical targets set in terms of section 15A(2) of the Act are key milestones towards achieving the equitable representation of the different designated groups

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within the four upper occupational levels in an employer's workforce in relation to the demographics of the applicable EAP, and for persons with disabilities.

(9) When determining their Annual EE targets towards achieving the 5-year sectoral numerical targets, a designated employer must set numerical targets for all designated groups in each of the four upper occupational levels in relation to the applicable sector targets and EAP, and for persons with disabilities.

(10) A designated employer must avoid perpetuating the over-representation of any group if their representation exceeds the applicable EAP in a particular occupational level.

(11) A designated employer that has exceeded the numerical target set for a particular designated group at an occupational level should continue to set targets that maintain compliance with the EAP.

(12) Designated employers must set numerical goals and annual EE targets at the semi-skilled and unskilled occupational levels in their EE Plans in terms of Section 20(2) of the EEA, taking into account the applicable EAP.

(13) Designated employers' compliance will be assessed against their annual targets set towards meeting the relevant 5-year sectoral numerical targets.

(14) A designated employer will incur no penalty or any form of disadvantage if there are reasonable grounds to justify its failure to comply with any target, as contemplated by section 53(6)(b), read with section 42(4), of the Act.

(15) A designated employer must retain their EE Plan for a period of five years after the expiry of the EE Plan.

(16) A designated employer must refer to the **EEA9** in the regulations for guidance on how to differentiate between the various occupational levels.

10. **Duty to report**

(1) A designated employer must submit a report to the Director-General in terms of section 21 of the Act annually–

(a) by hand delivery of a completed **EEA2** form as specified in regulation 10(2) together with the **EEA4** form in terms of regulation 12; or

(b) electronically by using the online reporting system available on the Department's website: **www.labour.gov.za**.

(2) A designated employer that submits its report by hand must do so by delivering a completed **EEA2** form and **EEA4** form, which are signed by the Chief Executive Officer/ Accounting Officer of the employer–

(a) to the Head Office of the Department for assistance to immediately capture the report into the system and receive feedback; and

(b) in the period from 1 September until the first working day of October.

(3) A designated employer may submit a report electronically using the online reporting EE System from 1 September until 15 January of the following year.

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(4) An employer that becomes a designated employer on or after the first working day of April is only required to submit its first report in the following reporting cycle.

(5) A designated employer will not be assessed for compliance with its annual targets in the first report submitted after becoming a designated employer.

(6) A designated employer may not be issued with a certificate in terms of section 53(2) of the Act unless it has submitted a compliant report in the preceding year.

(7) A designated employer that is a holding company controlling more than one registered entity may choose to submit a consolidated report.

(8) A designated employer that chooses to submit a consolidated report contemplated in sub-regulation 10(7) must–

(a) have a consolidated Employment Equity Plan which is supported by individual Employment Equity Plans for each of the registered entities included in the consolidated report; and

(b) adopt a method of reporting that remains consistent for the duration of the plan.

(9) The information contained in a report must be verified and authorised by-

(a) the chief executive officer; or

(b) in the case of an employer falling under the Public Finance Management Act, 1999 (Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), the accounting officer.

(10) A designated employer must inform the Director-General in writing immediately of any changes to –

(a) their trade name; or

(b) details of their chief executive officer or accounting officer and the managers who have been assigned responsibility in terms of section 24 of the Act.

(11) A designated employer that is unable to report in terms of this regulation must notify the Director-General in writing by the last working day of August in the same year giving reasons and providing evidence for its inability to do so using the **EEA14** form.

(12) The Department must provide an employer that has submitted a report with one of the following –

(a) a letter rejecting the report because it does not comply with the requirements of the Act and these regulations;

(b) a letter advising the employer that there are errors in the report and requesting the employer to rectify those errors within a specified period; or

(c) an electronic acknowledgement letter stating that the report is complete and has been submitted into the Department's EE system.

(13) A designated employer that receives a letter advising that there are errors in the report in terms of sub-regulation (12)(b) must submit information correcting those errors within the period specified in the letter.

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(14) A designated employer must retain a copy of the report for five years after it has been submitted to the Director-General in terms of section 21 of the Act.

(15) Public companies that are designated employers must publish a summary of their EEA report in terms of section 21 of the Act in their annual financial report in terms of section 22 of the Act, including the information specified in the **EEA10** form.

(16) An EE report submitted in terms of section 21 of the Act is a public document and a copy may be requested by completing and submitting the **EEA11** form online using the Department's website: **www.labour.gov.za**.

(17) The relevant provisions of the Electronic Communications and Transactions Act No 25 of 2002 are applicable in respect of any issue concerning the electronic submission of a report or receipt of a document or e-mail.

11. **Duty to inform**

The notice contemplated in section 25(1) of the Act is contained as the Summary of the Act in Annexure **EEA3** of these Regulations and must be displayed at the workplace.

12. **Income differentials and discrimination**

(1) A designated employer must submit an Income Differential Statement in terms of section 27 of the Act, using the **EEA4** form, to the National Minimum Wage Commission by hand delivery or electronically as contemplated by regulation (10).

(2) An employer, who becomes designated on or after the first working day of April is only required to submit its Income Differential Statement in the following reporting cycle.

(3) A designated employer must retain a copy of the statement of income differentials contemplated in regulation 12(1) for a period of five years after it has been submitted.

(4) An **EEA4** form submitted in terms of these Regulations is not a public document.

ENFORCEMENT MECHANISMS

13. **Requesting a written undertaking**

A labour inspector may request and obtain a written undertaking in terms of section 36 of the Act using the **EEA5** form.

14. **Compliance order**

A labour inspector may serve a compliance order in terms of section 37 of the Act on a designated employer using the **EEA6** form.

14A. Service of compliance order in terms of section 37

(1) A compliance order may be served on an employer in terms of section 37 of the Act by any of the following methods–

(a) handing a copy of the order to the employer or a representative of the employer;

(b) leaving a copy of the order at the employer's premises or registered office; and

(c) e-mailing a copy of the order to the employer's e-mail address.

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(2) In the event of a dispute as to whether a compliance order has been served in terms of sub-regulation (1), service may be proved by–

(a) in the case of an order served by hand–

i. a copy of a receipt signed by, or on behalf of, the employer clearly indicating the name and designation of the recipient and the place, time and date of service; or

ii. a statement confirming service signed by the person who delivered a copy of the order to the other party or left it at any premises.

(b) in the case of an order left at the employer's premises, a statement confirming service signed by the person who left it at the employer's premises; and

(c) in the case of an order served by e-mail–

i. a copy of the sent e-mail indicating the successful dispatch to the employer of the email and any attachments concerned; and

ii. an affidavit of the person who effected service, providing proof of the correct e-mail address of the employer and confirmation that the e-mail and any attachments were dispatched to the employer.

(3) If proof of service in accordance with sub-regulation (2) is provided, it is presumed, until the contrary is proven, that the employer on whom it was served has knowledge of the contents of the compliance order.

(4) If proof that the document was posted by registered post to the employer in accordance with sub-regulation (2) is provided, it is presumed, until the contrary is proven, that the employer received the order seven days after the date of posting.

(5) The relevant provisions of the Electronic Communications and Transactions Act No. 25 of 2002 are applicable in respect of any issue concerning service by e-mail.

15. **Review by the Director-General**

A designated employer that has been identified for review by the Director-General in terms of section 43 of the Act must -

(a) complete fully and accurately the DG Review Assessment form (**EEA7**); and

(b) furnish the required records, documents and information within the period specified by the Director-General.

16. **EE Compliance Certificate in terms of section 53**

(1) An employer must request a certificate in terms of section 53 of the Act online by means of the Department's website: **www.labour.gov.za**.

(2) A designated employer may request a certificate in terms of sub-regulation (1) after submitting its annual report in terms of section 21 of the Act.

(3) An employer, that is not a designated employer, requesting a certificate in terms of section 53 of the Act must specify that it complies with Chapter II of the Act and that it complies with the National Minimum Wage Act, 2018 using the **EEA15** form.

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(4) A designated employer must specify in its application on the **EEA15** form any grounds that it seeks to rely upon to justify its failure to comply with –

(a) any requirement for the issuing of a certificate as contemplated by section 42(4) of the Act; or

(b) in the case of non-compliance with a sectoral target, any grounds contemplated by section 53(6)(b).

(5) Justifiable reasonable grounds for not complying with the targets are -

(a) insufficient recruitment opportunities;

(b) insufficient promotion opportunities;

(c) insufficient target individuals from designated groups with relevant formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job, as contemplated by sections 20(3) to (5) of the Act;

(d) the impact of a CCMA award or court order;

(e) a transfer of a business;

(f) mergers or acquisitions; and

(g) the impact of economic conditions on the business.

(6) An EE Compliance Certificate in terms of section 53 of the Act must be issued to–

(a) a designated employer in the form of **EEA16A**; or

(b) an employer, that is not a designated employer, in the form of **EEA16B**.

(7) A certificate issued in terms of section 53 of the Act is valid for twelve months from the date on which it is issued.

17. **Withdrawal of the EE Compliance Certificate**

(1) The following persons may issue a notice withdrawing a certificate issued in terms of section 53(2) of the Act –

(a) the Minister;

(b) a labour inspector appointed in terms of section 63 of the Basic Conditions of Employment Act; or

(c) an official of the Department who has been delegated or assigned this function in terms of section 56 of the Act,

(2) A person contemplated in sub-regulation (1) may withdraw a certificate issued in terms of section 53(2) if they are satisfied that –

(a) the certificate was issued as a result of any misrepresentation or the provision of any fraudulent or inaccurate information; or
(b) any condition necessary for issuing the certificate no longer exists.

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(3) A certificate issued in terms of section 53(2) may not be withdrawn unless –

(a) the employer has been given 14 days to make representations upon being served with an **EEA16C** notice; and
(b) any representations by the employer have been considered.

(4) A notice of withdrawal must be issued on an **EEA16D** form.

GENERAL ADMINISTRATIVE MATTERS

18. **Repeal of laws**

The Employment Equity Regulations, 2014 as published in Government Notice No. 595 of 1 August 2014 are hereby repealed.

19. Short title

These Regulations are called the Employment Equity Regulations, 2025.

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DECLARATION BY EMPLOYEE
(Confidential)

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

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

WHO COMPLETES THIS FORM?
All employees must fill in this form.

INSTRUCTIONS

All designated 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, as amended.

PLEASE NOTE:

'Designated groups', mean black people, women and people with disabilities who-
a) Are citizens of the Republic of South Africa by birth or descent; or
b) Became citizens of the Republic of South Africa by naturalization –
   (i) before 27 April 1994; or
   (ii) after 26 April 1994 and would have been entitled to acquire citizenship by naturalization prior to that date but who were precluded by Apartheid policies.

"People with disabilities" includes people who have a long -term or recurring physical, mental intellectual or sensory impairment, which in interaction with various barriers, may substantially limit their prospects of entry into, or advancement, in employment, and 'persons with disabilities' has a corresponding meaning.

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 with an '**X**' below:

Male	Female

African	Coloured	Indian	White

People with a disability	YES	
	NO	

Do you require reasonable accommodation: Yes/No

If yes, please specify:

---

4. Please select the applicable option below by referring to the definition of designated groups as defined in Section 1 of the Act:

Foreign Nationals	YES	
	NO	

I declare that the above information is true and correct.

Signed: ----------
Employee

Date: ----------

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PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
PURPOSE OF THIS FORM This form enables employers to comply with Section 21 of the Employment Equity Act 55 of 1998, as amended. This form contains the format for employment equity reporting by designated employers to the Department of Employment and Labour. **WHO COMPLETES THIS FORM?** Designated employers are required to complete this form. Designated employers are those who employ 50 or more employees. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by a collective agreement to comply with Chapter 3 of the EEA)** **WHEN SHOULD EMPLOYERS REPORT?** Designated employers must complete the EEA2 and EEA4 forms and submit them together to the Department of Employment and Labour from 1 September to 15 January of the following year. Hand delivered reports must only be submitted from 1 September to the first working day of October of the same year to the Department of Employment and Labour (Head Office). **Online submission visit:** www.labour.gov.za **NO FAXED OR E-MAILED OR REGISTERED MAILED REPORTS WILL BE ACCEPTED**	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	National or Provincial EAP	
	Industry/Sector	
	Seta classification	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer	
	Name and surname	
	Telephone number	
	Email address	
	Details of Employment Equity Senior Manager	
	Name and Surname	
	Telephone number	
	Email address	
	Business type (Mark with an X)	
	□ Private Sector □ National Government □ Local Government □ Non-profit Organisation	□ State Owned Enterprise □ Provincial Government □ Educational Institution
	Information about the organization (Mark with an X)	
	Is your organisation an organ of State or designated in terms of a collective agreement?	YES: ☐ NO: ☐
	Number of employees in your organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	1 to 49: ☐ 50 to 149: ☐ 150 or more: ☐
	Is your organisation part of a group / holding company? If yes, please provide the name.	YES: ☐ NO: ☐ _____
	Year for which this report is submitted	_____

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Please indicate below the preceding 12-month period that the report covers (Except for first time reporting, where the period may be shorter):

From (date): ___/___/_____ **to (date):** ___/___/_____
DD / MM / YYYY DD / MM / YYYY

Please indicate below the duration of your current Employment Equity Plan, which must be aligned to the relevant sector EE targets timeframes:

From (date): ___/___/_____ **to (date):** ___/___/_____
DD / MM / YYYY DD / MM / YYYY

INSTRUCTIONS

a. A designated employer must comply to Sections 16 and 17 of the Employment Equity Act, as amended, by consulting with employees, when conducting an EE Analysis, preparing and implementing an EE Plan and reporting annually to the Department of Employment and Labour.

b. Designated employers must complete the EEA2 and EEA4 forms and submit them together to the Department of Employment and Labour from 1 September to 15 January of the following year when submitting online. Hand delivered reports must only be submitted from 1 September to the first working day of October of the same year to the Department of Employment and Labour (Head Office).

c. Designated employers must prepare an Employment Equity Plan (EE Plan) (EEA13 template) that outlines annual targets for the purpose of addressing the 5-year sector specific targets regulated in terms of Section 15A of the Employment Equity Act as amended.

d. Employers who become designated during the sector target period must prepare an Employment Equity Plan (EE Plan) with annual targets for the remainder of the period regulated in terms of Section 15A of the Employment Equity Act as amended.

e. Numerical goals and targets in the EE Plan must include the entire workforce profile for that occupational level in terms of population group and gender, and NOT the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve.

f. Please note that designated employers who submit their first report or report for the first time for the 5-year sector target period will not be measured on their annual EE targets for the first year of reporting. A designated employer may not be issued with a certificate in terms of section 53(2) of the Act unless it has submitted a compliant report in the preceding year.

g. Designated groups mean black people (i.e., Africans, Coloureds and Indians), women and persons with disabilities who are citizens of the Republic of South Africa by birth or descent, or became citizens of the Republic of South Africa by naturalization: before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but were precluded by apartheid policies.

h. The alphabets "A", "C", "I", W", "M" and "F" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians", "Whites", "Males" and "Females" respectively.

i. "Temporary employees" are those employees employed for less than three months.

j. Guidelines and descriptions of occupational levels are provided in the EEA9 form of these regulations.

k. All areas of the form must be fully and accurately completed and submitted by designated employers.

l. Designated employers must **not** leave blank spaces, use 'not applicable' (NA) or a 'dash' (-) when referring to the value "0" (Zero) or the word "No".

m. Areas highlighted in grey in the EEA2 form will be automatically populated using data contained in this report and from the previous report.

n. The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

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SECTION B: WORKFORCE PROFILE AND NUMERICAL TARGETS

1. WORKFORCE PROFILE AND NUMERICAL TARGETS

1.1 Please report the total number of **employees** (including employees with disabilities) and annual EE targets in each of the following **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 – Workforce profile	value											
	%											
Top management target – current year	value											
	%											
Senior management – Workforce profile	value											
	%											
Senior management target – current year	value											
	%											
Professionally qualified – Workforce profile	value											
	%											
Professionally qualified target – current year	value											
	%											
Skilled technical – Workforce profile	value											
	%											
Skilled technical target – current year	value											
	%											
Semi-skilled – Workforce Profile	value											
	%											
Semi-skilled target – current year	value											
	%											
Unskilled – Workforce profile	value											
	%											
Unskilled target – current year	value											
	%											
Total employees (excluding temporary employees)	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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1.2 Please report the total number of **employees with disabilities only** in each of the following occupational levels and the annual EE target of the total workforce: 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											
ANNUAL EE TARGET FOR EMPLOYEES WITH DISABILITIES												
Workforce Profile of Employees with Disabilities of total Workforce	%											
Annual target for employees with Disabilities of the total workforce– current year	%											

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1.3 Please indicate whether your organisation achieved all the annual numerical targets for the current year:

YES	NO

1.4 Please indicate with an (X) a key Justifiable Reason for each of the occupational levels and for employees with disabilities where your organisation did not achieve any of the numerical targets for the current year in the table below.

OCCUPATIONAL LEVELS AND DISABILITY	Justifiable reasons for not meeting EE Sector Targets						
	Insufficient recruitment opportunities	Insufficient promotion opportunities	Insufficient target individuals with relevant qualification, prior learning, experience or capacity to acquire ability to do job	CCMA Award/ Court Order	Transfer of business	Mergers/ Acquisitions	Impact of Economic Conditions on Business
Top management							
Senior management							
Professionally qualified							
Skilled technical							
Semi-Skilled							
Unskilled							
Employees with disabilities							

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SECTION C: WORKFORCE MOVEMENTS

2. Recruitment

2.1 Please report the total number of new recruits, **including employees with disabilities**. 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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3. Promotion

3.1 Please report the total number of promotions into each occupational level, **including employees with disabilities**.
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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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4. Termination

4.1 Please report the total number of terminations in each occupational level, **including employees with disabilities**. 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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SECTION D: SKILLS DEVELOPMENT

5. Skills Development

5.1 Please report the total number of employees, **including employees with disabilities**, who received training **ONLY** for the purpose of achieving the sector targets/ numerical goals, and not the number of training courses attended by individuals. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels		Male				Female				Total
		A	C	I	W	A	C	I	W	
Top management	value									
Senior management	value									
Professionally qualified	value									
	%									
Skilled technical	value									
	%									
Semi-skilled	value									
	%									
Unskilled	value									
	%									
TOTAL PERMANENT	value									
	%									
Temporary employees	value									
	%									
GRAND TOTAL	value									
	%									

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SECTION E: 5-YEAR SECTOR TARGETS, NUMERICAL GOALS AND ANNUAL NUMERICAL TARGETS

6. 5-YEAR SECTOR TARGETS AND NUMERICAL GOALS

6.1 The 5-year sector targets for designated groups for the economic sector selected in **Section A** of this form must be recorded in this Table for the four upper occupational levels (Top Management, Senior Management, Professionally Qualified & Middle Management and Skilled Technical occupational levels), including for employees with disabilities.

Employers must, in addition, set numerical goals for the lower occupational levels (Semi-skilled and Unskilled levels) guided by the national or regional EAP that they are applying.

5-YEAR SECTOR TARGETS AND NUMERICAL GOALS FOR SEMI-SKILLED AND UNSKILLED LEVEL (2025-2030)		
OCCUPATIONAL LEVELS AND DISABILITY	GENDER	DESIGNATED GROUPS SECTOR TARGET %
TOP MANAGEMENT	Male	
	Female	
	TOTAL	
SENIOR MANAGEMENT	Male	
	Female	
	TOTAL	
PROFESSIONALLY QUALIFIED	Male	
	Female	
	TOTAL	
SKILLED TECHNICAL	Male	
	Female	
	TOTAL	
		EMPLOYER'S NUMERICAL GOAL
SEMI-SKILLED	Male	
	Female	
	TOTAL	
UNSKILLED	Male	
	Female	
	TOTAL	
5-YEAR NUMERICAL TARGET FOR EMPLOYEES WITH DISABILITIES		
5-Year Sector Target for Employees with disabilities (%)		

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7. ANNUAL NUMERICAL TARGETS FOR NEXT YEAR

7.1 Please indicate the annual numerical targets as contained in the EE Plan (i.e., the entire workforce profile **including employees with disabilities**) for each of the occupational levels in the table below. 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	value											
	%											
Senior management	value											
	%											
Professionally qualified	value											
	%											
Skilled technical	value											
	%											
Semi-skilled	value											
	%											
Unskilled	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

ANNUAL NUMERICAL TARGET FOR NEXT YEAR FOR EMPLOYEES WITH DISABILITIES	
Annual Target for Employees with disabilities (value)	
Annual Target for Employees with disabilities (% of total workforce)	

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SECTION F: CONSULTATION AND AFFIRMATIVE ACTION MEASURES

8. Consultation

8.1 Please indicate below the stakeholders that were involved in the consultation process when developing and implementing your Employment Equity Plan and the preparation of this Employment Equity Report.

Consultation	Yes	No
Consultative body or employment equity forum		
Representative trade union(s)		
Employees		

9. Barriers and affirmative action measures

9.1 Please indicate which categories of employment policy or practice barriers to employment equity were identified. If your answer is '**Yes**' to barriers in any of the categories, please indicate whether or not there are affirmative action measures developed and the time-frames to overcome them.

Categories	BARRIERS		AA MEASURES		TIME-FRAME TO IMPLEMENT AA MEASURES	
	YES	NO	YES	NO	START DATE	END DATE
Recruitment						
Advertisement of positions						
Selection criteria						
Appointments						
Job classification and grading						
Remuneration and benefits						
Terms & conditions of employment						
Job assignments						
Work environment and facilities						
Training and development						
Performance and evaluation						
Promotions						
Transfers						
Succession & experience planning						
Disciplinary measures						
Dismissals						
Retention of designated groups						
Corporate culture						
Reasonable accommodation						
Harassment						
HIV&AIDS prevention and wellness programmes						
Assigned senior manager(s) to manage EE implementation						
Budget allocation in support of employment equity goals						
Time off for employment equity consultative committee to meet						

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SECTION G: MONITORING AND EVALUATION

10. Monitoring of progress

10.1 How regularly do you monitor progress on the implementation of the Employment Equity Plan? Please choose one.

Monthly	Quarterly

11. Achievement of annual objectives

11.1 Did you achieve the annual objectives as set out in your Employment Equity Plan for this reporting period?

Yes	No	Please explain

SECTION H: Signature of the Chief Executive Officer/ Accounting Officer

The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Chief Executive Officer/ Accounting Officer

I----------(Full Name) CEO/ Accounting Officer of (Organisation)

----

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

Signed on this ----------day of ---------- (month) year --------

At (place): ----------

Chief Executive Officer/ Accounting Officer

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

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

1.1 Definitions: Section 1

(a) Designated groups mean black people (i.e., African, Coloured and Indian), women and persons with disabilities who are citizens of the Republic of South Africa by birth or descent, or became citizens of the Republic of South Africa by naturalization: before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but were precluded by apartheid policies.

(b) Designated employer means an employer who employs 50 or more employees, municipalities and organs of State.

(c) Temporary employees are employees who are employed for less than three months.

(d) Sector means an industry or service or part of an industry or service

1.2 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 levels in the workforce.

1.3 Application of the Act: Section 4

(a) Chapter II applies to all employers and employees.

(b) Chapter III applies to designated employers and people from designated groups.

(c) Members of the National Defence Force, National Intelligence Agency and South African Secret Services are excluded from this Act.

2. Chapter II – prohibition of unfair discrimination

(a) 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, birth or on any other arbitrary ground.

(b) 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.

(c) Harassment of an employee is a form of unfair discrimination and is prohibited on any one, or a combination of, the grounds prohibiting unfair discrimination.

2.1. Equal pay for work of equal value: Section 6(4)

(a) Employers may not unfairly discriminate against employees by providing different terms and conditions of employment between employees of the same employer performing the same or substantially the same work or work of equal value that is directly or indirectly based on any one or more grounds listed in subsection 6(1) or on any other arbitrary ground.

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2.2. Medical testing: Section 7

(a) Medical testing on an employee is prohibited, unless legislation permits or requires the testing; or it is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of the job.

(b) Testing of an employee to determine that employee's HIV status is prohibited unless such testing is determined to be justifiable by the Labour Court in terms of section 50(4) of this Act.

2.3. Psychological testing and other similar assessments: Section 8

Psychological testing and other similar assessments of an employee are prohibited unless the test or assessment being used has been scientifically shown to be valid and reliable, can be applied fairly to all employees and is not biased against any employee.

2.4. Disputes concerning Chapter 2: Section 10

(a) An employee, or applicant for employment, may refer a dispute concerning alleged unfair discrimination, 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 after conciliation, any party to the dispute may refer it to the Labour Court for adjudication. The parties to a dispute may also agree to refer the dispute for 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.
(d) An employee may refer a dispute to the CCMA for arbitration if: –
    (i) the employee alleges sexual harassment; and
    (ii) in any other case, where the employee earns less than the amount prescribed by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act; or
(e) Any party may refer the dispute to the CCMA for arbitration.

3. Chapter III – Affirmative Action

3.1 Duties of a designated employer: Section 13

(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-
    (i) Consult with employees;
    (ii) Conduct analysis;
    (iii) Prepare an Employment Equity Plan; and
    (iv) Report to the Director-General on progress made in the implementation of the plan.

3.2 Affirmative action measures: Section 15

(a) Affirmative action measures are measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunities and are equitably represented in all occupational levels of the workforce.

(b) Such measures must include:
    (i) Identification and elimination of barriers with an adverse impact on designated groups;
    (ii) Measures which promote diversity;
    (iii) Making reasonable accommodation for people from designated groups;
    (iv) Retention, development and training of designated groups (including skills development); and
    (v) Preferential treatment and numerical goals to ensure equitable representation, which exclude 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.

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(d) The Minister may publish a notice in the *Gazette* identifying national economic sectors for the purposes of this Act, having regard to any relevant code contained in the Standard Industrial Classification of all Economic Activities published by Statistics South Africa.

(e) The Minister may, after consulting the relevant sectors and with the advice of the Commission, for the purpose of ensuring the equitable representation of suitably qualified people from designated groups at all occupational levels in the workforce, by notice in the *Gazette* set numerical targets for any sector or part of a sector.

3.3 Consultation: Section 16 and 17

(a) A designated employer must consult with its employees and their representatives on employment equity matters

(b) Designated employers should consult with employees both from designated and non-designated groups, and employees representing the interests of individuals from the various occupational levels.
Matters for consultation must include issues relating to the conducting of an analysis, preparing and implementing an Employment Equity Plan and preparation and submission of employment equity reports.

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 an Employment Equity Plan, which must not be shorter than one year and not longer than five years, and should include a timetable for the achievement of goals and objectives for each year of the plan.

(b) The numerical goals set by an employer must comply with any sectoral target in terms of Section 15A that applies to that employer.

(c) The Director-General may apply to the Labour Court to impose a fine in terms of Schedule 1 for failure to prepare and implement an Employment Equity Plan.

3.7. Report: Section 21

(a) A designated employer must submit a report to the Director-General once every year on such date and in such manner as may be prescribed.

(b) The Labour Court may, on application by the Director-General, impose a fine contemplated in Schedule 1 of this Act for failure to report.

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.

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3.9. Income Differentials: Section 27

(a) A statement of remuneration and benefits received in each occupational level of that employer's workforce must be submitted by a designated employer to National Minimum Wage Commission.

(b) Where disproportionate income differentials or unfair discrimination in terms and conditions of employment as contemplated by section 6(4) of the Act are reflected in the statement contemplated in sub-regulation (a), a designated employer must take measures to progressively reduce such differentials subject to guidance as may be given by the Minister as contemplated in the regulations.

4. Chapter V - Monitoring, Enforcement and Legal Proceedings

4.1 Monitoring: Section 34

Employees or trade union representatives can monitor the implementation of the Act and report any contraventions to the 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

(a) 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 may request and obtain a written undertaking to comply within a specified period.

(b) If an employer fails to comply with an undertaking, the Director-General may apply to the Labour Court to make such an undertaking an order of the Labour Court.

4.4 Compliance Order: Section 37

(a) A labour inspector may serve a compliance order to a designated employer if that employer has failed to comply with sections 16, 17, 19, 22, 24, 25, or 26 of this Act.
(b) If an employer fails to comply with an undertaking, the Director-General may apply to the Labour Court to make such an undertaking an order of the Labour Court.

4.5 Review by Director-General: Section 43, 44 and 45

(a) The Director-General may conduct a review to determine whether an employer is complying with the Act.

(b) The outcome of the review may result in the Director-General approving the designated employers' Employment Equity Plan: or may make recommendations to fulfil the requirements of the Act.

(c) If an employer fails to comply with a request made by the Director-General in terms of section 43(2) or a recommendation made by the Director-General in terms of section 44 (b), the Director-General may apply to the Labour Court for an order directing the employer to comply with the request or recommendation or to impose a fine in terms of Schedule 1 of this Act.

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.

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5. Chapter VI – General Provisions

5.1 State contracts: Section 53

(a) Designated employers 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 and the payment of the minimum wage in terms of the National Minimum Wage Act of 2018.

(b) Non-designated employers 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 of the Act and the payment of the minimum wage in terms of the National Minimum Wage Act of 2018

(c) Both designated and non- designated employers must confirm that the CCMA or a court has not issued an award against the employer in the previous 12 months for breaching the prohibition on unfair discrimination and for failing to pay the minimum wage.

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.

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PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
PURPOSE OF THIS FORM This form enables employers to comply with Section 27 (1) of the Employment Equity Act 55 of 1998, as amended. This form contains the format for an Income Differential Statement to be completed by a designated employer and submitted to the Department of Employment and Labour. **WHO COMPLETES THIS FORM?** Designated employers are required to complete this form. Designated employers are those who employ 50 or more employees. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by a collective agreement to comply with Chapter 3 of the EEA)** **WHEN SHOULD EMPLOYERS REPORT?** Designated employers must complete the EEA2 and EEA4 forms and submit them together to the Department of Employment and Labour from 1 September to 15 January of the following year when submitting online. Hand delivered reports must only be submitted from 1 September to the first working day of October of the same year to the Department of Employment and Labour (Head Office). **Online reports and contact details:** www.labour.gov.za **NO FAXED OR E-MAILED OR REGISTERED MAILED REPORTS WIL BE ACCEPTED**	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	National or Provincial EAP	
	Industry/Sector	
	Seta classification	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer	
	Name and surname	
	Telephone number	
	Email address	
	Details of Employment Equity Senior Manager	
	Name and Surname	
	Telephone number	
	Email address	
	Business type (Mark with an X)	
	☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organization (Mark with an X)	
	Is your organisation an organ of State or designated in terms of a collective agreement?	YES: ☐ NO: ☐
	Number of employees in your organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	1 to 49: ☐ 50 to 149: ☐ 150 or more: ☐
	Is your organisation part of a group / holding company?	YES: ☐ NO: ☐
	If yes, please provide the name.	_____
	Year for which this report is submitted	_____

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SECTION B: THE FOLLOWING MUST BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE EEA4 FORM

1. The objective of the EEA4 Form is to collect information for the assessment of the remuneration gap between the highest paid and lowest paid employees and, at the same time, to assess inequalities in remuneration in relation to race and gender in the various occupational levels. It must be noted that the total number of employees in the EEA2 in each occupational level (Workforce profile table 1.**1**) must be taken into account when completing this form (EEA4).

2. All employees (including Foreign Nationals) must be included when completing the EEA4 form in the appropriate space provided in the table below. Temporary employees are employees employed to work for less than three months over a period of 12 months.

3. **"Remuneration"** means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State.

4. Remuneration (i.e. fixed and variable remuneration) contained in this form must reflect information of the same employees reflected in the EEA2 Form for the reporting period concerned across all occupational levels. The workforce in terms of race and gender must be exactly the same as the workforce outlined in the EEA2 Form.

5. All employees, including Foreign Nationals and temporary employees (i.e. those employees employed to work for less than three months) must be included when completing the EEA4 Form.

6. Calculation of remuneration must include a period of twelve months and reflect the same reporting period covered by the EEA2 Form. Where an employee had not worked for a full twelve-month period, an amount equivalent to the annual remuneration must be calculated and furnished. For example, the annual equivalent for an employee who worked for three months and earned R30 000 is R120 000 (i.e. (R30 000 / 3) * 12). All remuneration amounts to be reflected in the table below must be rounded up to the nearest Rand (R) and included as **total remuneration (fixed / guaranteed remuneration plus any variable remuneration)** that was paid out for each group in terms of population group and gender.

7. No blank spaces, commas (,), full stops or decimal points (.) or any other separator should be included when capturing the remuneration information in each of the cells in the table below – for example R7 345 567.6 must be captured as R7345568 with no separators.

8. All remuneration (i.e. total cost to company) must be included in the form as annualized fixed / guaranteed remuneration and annualized variable remuneration). The information below provides inclusions and exclusions to consider when completing the EEA4 Form.

8.1 <u>Fixed / Guaranteed remuneration includes:</u>

a) Salary/wage;
b) Housing or accommodation subsidy or housing or accommodation received as a benefit in kind;
c) Travel allowance or provision of a car, except to the extent that the allowance or the car is provided to enable the employee to work as provided for by the Fourth and Seventh Schedules of the Income Tax Act;
d) Any cash payments made to an employee, except those listed as exclusions in terms of this schedule;
e) Any other payments in kind received by an employee, except those listed as exclusions in terms of this schedule;
f) Employer's contributions to medical aid, pension, provident fund or similar benefit funds;
g) Employer's contributions to income protection, funeral or death benefit schemes; and
h) Guaranteed (non-discretionary) annual bonus/13th cheque.

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8.2 Variable remuneration includes:

a) Short-term incentives: annual or shorter incentives and (generally) cash performance-based payments, including deferrals (commission schemes are included here);
b) Long-term incentives: longer than one year, (usually) share-based awards and cash-based settlement that have a vesting period of more than one year must also be included, which may be retention and / or performance-based;
c) Lump sums in respect of ongoing employment e.g. back pay and leave paid upon termination;
d) Discretionary payments not related to an employee's hours of work or performance (for example, a retention bonus);
e) As provided for by the Income Tax Act, the taxable benefit portion of bursaries and scholarships provided to the employee and/or relatives of the employee;
f) Dividends included as remuneration by the Fourth Schedule of the Income Tax Act; and
g) Overtime.

8.3 Excluded:

a) Any allowance, cash payment or payment in kind provided to enable the employee to work (for example, an equipment, tool or similar allowances or the provision of transport or the payment of a transport allowance to enable the employee to travel to and from work);
b) Gratuities (for example, tips received from customers) and gifts from the employer;
c) Non-employment related lump sums such as severance pay; and
d) Dividends not included as remuneration by the Fourth Schedule of the Income Tax Act.

9. **Information and Calculations**

Information is required on the number of employees, including employees with disabilities, and the total remuneration in each **occupational level** in terms of the population group and gender in **Section C of the EEA4 form**.

In addition, remuneration information is required for the lowest paid individual at the lowest occupational level and the remuneration of the highest paid individual is required for each of the other occupational levels in your organisation in terms of population group and gender in **Section D of the EEA4 form**.

9.1 Please provide the remuneration of the employee with the **highest total remuneration** (i.e. fixed/guaranteed and variable remuneration) for each occupational level in terms of population group and gender. Where applicable, information must be provided for both males and females for Africans, Coloureds, Indians, Whites and Foreign Nationals.

9.2 Please provide the remuneration of the employee with the **lowest total remuneration** (i.e. fixed/guaranteed and variable remuneration) for the lowest occupational level in your organisation in terms of population group and gender. Where applicable, information must be provided for both males and females for Africans, Coloureds, Indians, Whites and Foreign Nationals.

9.3 Please provide the **median remuneration** and the **remuneration gap** as required in **Section E of the EEA4 Form**.

10. The information contained in a report must be authorised and verified by the chief executive officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

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SECTION C: WORKFORCE PROFILE AND TOTAL REMUNERATION

Please use the table below to indicate the number of employees, including employees with disabilities, and the total remuneration in terms of population group and gender for each occupational level. In addition, please provide the total remuneration per occupational level in your organisation.

Occupational levels		MALE				FEMALE				FOREIGN NATIONALS		Total
		A	C	I	W	A	C	I	W	M	F	
Top Management	Number of employees											
	Total remuneration											
Senior Management	Number of employees											
	Total remuneration											
Professionally qualified and experienced specialists and mid-management	Number of employees											
	Total remuneration											
Skilled technical, academically qualified and, junior management,	Number of employees											
	Total remuneration											
Semi-skilled and discretionary decision making	Number of employees											
	Total remuneration											
Unskilled and defined decision making	Number of employees											
	Total remuneration											
TOTAL PERMANENT	Number of employees											
	Total remuneration											
Temporary employees	Number of employees											
	Total remuneration											
TOTAL	Number of employees											
	Total remuneration											

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SECTION D1: FIXED / GUARANTEED AND VARIABLE REMUNERATION

Please provide the remuneration of the employee with the **highest total remuneration (i.e. fixed/guaranteed and variable remuneration)** in terms of population group and gender for each occupational level, where applicable. Where a choice has to be made between two employees with the same total remuneration, i.e. one employee having a higher fixed/guaranteed remuneration and the other employee having a higher variable remuneration, the employee with the higher variable remuneration should be chosen when completing the form below. **(NB: If there is only one employee at a particular occupational level, only capture their information in table D1 and do not repeat their information in table D2)**

Occupational levels		MALE				FEMALE				FOREIGN NATIONALS	
		A	C	I	W	A	C	I	W	M	F
Top Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Senior Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Professionally qualified, experienced specialists and mid-management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Skilled technical, academically qualified and junior management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Semi-skilled and discretionary decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Unskilled and defined decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										

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SECTION D2: FIXED / GUARANTEED AND VARIABLE REMUNERATION

Please provide the remuneration of the employee with the **lowest total remuneration (i.e., fixed/guaranteed and variable remuneration)** in terms of population group and gender for each occupational level, where applicable. Where a choice has to be made between two employees with the same total remuneration, i.e., one employee having the lowest fixed/guaranteed remuneration and the other employee having the lowest variable remuneration, the employee with the lowest variable remuneration should be chosen when completing the form below.

Occupational levels		MALE				FEMALE				FOREIGN NATIONALS	
		A	C	I	W	A	C	I	W	M	F
Top Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Senior Management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Professionally qualified, experienced specialists and mid-management	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Skilled technical, academically qualified and, junior management,	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Semi-skilled and discretionary decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										
Unskilled and defined decision making	Fixed / Guaranteed										
	Variable										
	Total Remuneration										

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SECTION E: MEDIAN REMUNERATION AND THE REMUNERATION GAP

Please note that in order to complete this section properly, your payroll must be sorted in ascending order from the lowest pay to the highest pay. **Total annual remuneration** includes fixed/guaranteed and variable pay. The '**median**'" is the "middle" value in a list of payments (i.e. total remuneration) ranked from lowest to highest. When the payroll contains an even number of values, the median is the sum of the two middle values divided by 2. The **range** is the area of variation that includes the lower and upper limits of a particular scale. To calculate the range of the top 5% highest paid employees and the range of the lowest 5% paid employees, please do the following:

1. Sort the payroll in ascending order (from the lowest pay to the highest pay).
2. Multiply the total number of employees by 5% (Round off decimals to the nearest whole number).
3. Refer to the earnings of employees that correlate to the number referred to above.
4. Capture the range (lowest and highest) remuneration of the top 5% of the highest paid employees, e.g. from R1000, 000 (lowest) to R2000, 000 (highest).
5. Repeat the exercise for the lowest 5% paid employees, e.g. from R100, 000 (lowest) to R200, 000 (highest).

Number of employees covered in the top 5% of the highest paid employees in your organisation	**Number of employees**		
What is the total annual remuneration of the top 5% of the highest paid employees in your organisation?	**Total Annual Remuneration**		
What is the range of the top 5% of the highest paid employees in your organisation (total annual remuneration)?	**Range**		
	From (Lowest)	**To (Highest)**	
	R	**R**	
Number of employees covered in the lowest 5% paid employees in your organisation	**Number of employees**		
What is the total annual remuneration of the lowest 5% paid employees in your organisation?	**Total Annual Remuneration**		
What is the range of the lowest 5% paid employees in your organisation (total annual remuneration)?	**Range**		
	From (Lowest)	**To (Highest)**	
	R	**R**	
What is the median remuneration for employees in your organisation?	**Median Remuneration**	**R**	
Please indicate whether your organisation has a remuneration policy in place to address and close the vertical gap/ horizontal gap between the highest and lowest paid employees in your workforce? (Mark with X)	**YES**		
	NO		

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How many times (e.g. 10x, 15x, 20x) is the vertical gap between the highest paid employee and lowest paid employee in your organisation?	_____	
Is the remuneration-gap between the highest and lowest paid employees in your organisation aligned to your remuneration policy? (Mark with X)	YES	
	NO	
Are there measures to address the remuneration gap in your Employment Equity Plan? (Mark with X)	YES	
	NO	
Please indicate a key reason for the Income Differentials that apply to your organisation. (Mark with X)	a) Seniority/ length of service	
	b) Qualifications	
	c) Performance	
	d) Demotion	
	e) Experiential training	
	f) Shortage of skill	
	g) Transfer of business	
	h) Other	
If other is chosen as a key reason above, please specify the key reason-		

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SECTION F: Signature of the Chief Executive Officer/Accounting Officer

The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Chief Executive Officer /Accounting Officer

I----------(Full Name) CEO/Accounting Officer of (Organisation)

----

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

Signed on this ----------day of ---------- (month) year -------

At (place): ----------

Chief Executive Officer/Accounting Officer

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WRITTEN UNDERTAKING

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTION	
PURPOSE OF THIS FORM To obtain a written undertaking from the **designated** employer in terms of Section 36 to comply with the requirements of the Employment Equity Act, 55 of 1998, as amended. **WHO COMPLETES THIS FORM?** A **designated** employer, assisted by a labour inspector. **WHO RECEIVES THIS FORM?** This form goes to the **labour** inspector. **PLEASE NOTE:** A labour inspector may request and obtain a written undertaking from a designated employer to comply with the provisions of Section 36 (1) within a specified period. Failure to comply with this undertaking may result in the Director-General applying to the Labour Court, to make this undertaking, or any part thereof, an order of the Labour Court in terms of Section 36(2).	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	Seta classification	
	Industry/Sector	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer	
	Name and surname	
	Telephone number	
	Email address	

Please tick (X) the applicable box below as an undertaking to comply with the following provisions of the Act and its regulations.

(i) Consult with employees (section 16 read with section 17)	
Please specify:	

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(ii) Conduct an analysis (section 19)	
Please specify:	

(iii) Preparation of an EE Plan (section 20)	
Please specify:	

(iv) Publish report (section 22)	

(v) Assign responsibility to one or more senior managers (section 24)	

(vi) Inform employees (section 25)	

(vii) Keep records (section 26)	

I hereby undertake to comply with this written undertaking within.....days of being issued. Failure to comply with this undertaking may result in the Director-General applying to the Labour Court in order to make this undertaking or any part thereof, an order of the Labour Court in terms Section 36(2).

ISSUED ON .....DAY OF (MONTH)..... YEAR .....

AT (PLACE).....

SIGNED: DESIGNATED EMPLOYER/ ON BEHALF OF DESIGNATED EMPLOYER

.....

SIGNED: LABOUR INSPECTOR .....

CONTACT DETAILS OF THE LABOUR INSPECTOR:

.....

PHYSICAL ADDRESS.....

. .....

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COMPLIANCE ORDER

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

This form is used to **serve** a compliance order **on a designated** employer **in the prescribed manner if that employer** has failed to comply with sections 16, 17, 19, 22, 24, 25 or 26 of the Employment Equity Act, 55 of 1998, as amended.

Failure to comply with this compliance order may result in the Director-General applying to the Labour Court, to make this compliance order an order of the Labour Court.

WHO COMPLETES THIS FORM?
A labour inspector fills this form.

WHO RECEIVES THIS FORM?

This form goes to the **designated** employer.

PLEASE NOTE:
A designated employer must display a copy of this order prominently at a place accessible to the affected employees at each.

SECTION A: EMPLOYER DETAILS & INSTRUCTION

Trade name	
DTI registration name	
DTI registration number	
PAYE/SARS number	
UIF reference number	
EE reference number	
Seta classification	
Industry/Sector	
Bargaining Council	
Telephone number	
Postal address	
Postal code	
City/Town	
Province	
Physical address	
Postal code	
City/Town	
Province	
Details of CEO/Accounting Officer	
Name and surname	
Telephone number	
Email address	

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1. You are required to comply with the following provisions of the Act and its regulations. Failure to comply with this compliance order may result in the Director-General applying to the Labour Court in order to make this compliance order an order of the Labour Court. **(The box(es) ticked (X) below apply)**

(i)	Consult with employees (section 16 read with section 17)	
(ii)	Conduct an analysis (section 19)	
(iii)	Preparation of an EE Plan (section 20)	
(iv)	Publish report (section 22)	
(v)	Assign responsibility to one or more senior managers (section 24)	
(vi)	Inform employees (section 25)	
(vii)	Keep records (section 26)	

2. You are required to comply with this compliance order within.....days of receipt hereof. The employer must display a copy of this order prominently at a place accessible to the affected employees at each workplace named in it in terms of Section 25(2)(b).

SERVED ON .....DAY OF (MONTH)..... YEAR .....

AT (PLACE).....

SIGNED: DESIGNATED EMPLOYER/ ON BEHALF OF DESIGNATED EMPLOYER

.....

SIGNED: LABOUR INSPECTOR .....

CONTACT DETAILS OF THE LABOUR INSPECTOR:

.....

PHYSICAL ADDRESS.....

.....

.....

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DIRECTOR-GENERAL REVIEW ASSESSMENT FORM

INSTRUCTIONS

The following are instructions for the completion of this Assessment Form:

In this Assessment Form the term "Company or Organisation" is used to refer to the Designated Employer who is being required to submit documentation in terms of Section 43 of the Employment Equity Act as amended.

1) The designated employer must complete all sections of the Assessment Form.

2) The designated employer must respond in the spaces provided in the Assessment Form, and where "YES" is indicated, provide supporting information and evidence as an annexure with the relevant heading(s).

3) The annexure(s) containing the supporting information and evidence must be numbered as per each section of the Assessment Form.

4) All information must be submitted in hard and/or electronic copies.

5) Should information requested not be completed and submitted in the required format, it may result in the Director-General applying to the Labour Court to use remedies available in terms of Section 45 of the Act.

6) The completed Assessment Form must be signed by the Chief Executive Officer/Accounting Officer.

7) Should the designated employer have an enquiry regarding the completion of the Assessment Form, please contact:

THE DEPARTMENT OF EMPLOYMENT AND LABOUR	
Contact Person:	
Address:	
Tel.:	
E-mail:	

NB: The Assessment Form must be delivered or e-mailed to the above address.

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DIRECTOR-GENERAL REVIEW ASSESSMENT FORM

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

This form enables designated employers to comply with Section 43 of the Employment Equity Act 55 of 1998 as amended.

This form contains the format for the Director-General Review of designated employers. All **designated** employers are required to use this form.

WHO COMPLETES THIS FORM?

All designated employers who are subjected to the Director-General Review and required to submit information in terms of section 43 of the Employment Equity Act, 55 of 1998 as amended.

SECTION A: EMPLOYER DETAILS & INSTRUCTIONS

Trade name	
DTI registration name	
DTI registration number	
PAYE/SARS number	
UIF reference number	
EE reference number	
Seta classification	
Industry/Sector	
Bargaining Council	
National or Provincial EAP	
Telephone number	
Postal address	
Postal code	
City/Town	
Province	
Physical address	
Postal code	
City/Town	
Province	
Details of CEO/Accounting Officer	
Name and surname	
Telephone number	
Email address	
Details of Employment Equity Senior Manager	
Name and Surname	
Telephone number	
Email address	
Business type (Please mark with an X)	
☐ Private Sector ☐ **National** Government ☐ Local Government ☐ **Non**-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ **Educational** Institution
Information about the organization (Please mark with an X)	
Number of employees in the organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	☐ **1 to 49** ☐ **50 to 149** ☐ **150 or more**
Date on which this EEA7 form was submitted to the Department.	_____

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2. SECTION B: ASSIGNED EE MANAGER

2.1 Did you assign one or more senior manager(s) in terms of section 24?

YES	NO

2.1.1 If yes, please provide proof detailing the assignment of responsibilities as outlined. (e.g., letter of assignment detailing responsibilities and mandate)

3. SECTION C: CONSULTATION

3.1 Does your organisation have a forum for consultation on employment equity in terms of section 16?

YES	NO

3.1.1 If yes, please provide proof of the composition of the forum; copies of the minutes covering the previous twelve months reporting period accompanied by agendas and signed attendance registers.

4. SECTION D: EMPLOYMENT EQUITY ANALYSIS

4.1. Did your company conduct an analysis of the **workforce, policies, procedures, practices and the work environment** in terms of section 19?

YES	NO

4.1.1 If yes, please provide documentary proof in the form of Report(s) detailing the outcome of your analysis in line with the EEA12 template. Please note that presentation slides or copies of employment policies will **NOT** be accepted.

5. SECTION E: EMPLOYMENT EQUITY PLAN

5.1. Does your organisation have an Employment Equity (EE) Plan in terms of section 20, which includes Affirmative Action measures as outlined in the EEA13 template?

YES	NO

5.1.1 If yes, please attach a copy of your EE Plan. In case of a consolidated plan, please include the individual plans of each operation included in the consolidated plan.

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6. SECTION F: SIGNATURE OF CHIEF EXECUTIVE OFFICER/ACCOUNTING OFFICER

The information contained in a report must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Chief Executive Officer/Accounting Officer
I ----------(Full Name) CEO/Accounting Officer of
(Organisation) ----------
hereby declare that I have read, approved and authorized this information.
Signed on this ----------day of ---------- (month) year ----
At (place): ----------
---------- Chief Executive Officer /Accounting Officer

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DEMOGRAPHIC PROFILE OF THE NATIONAL AND/OR REGIONAL ECONOMICALLY ACTIVE POPULATION

Statistics South Africa provides demographic data using Quarterly Labour Force Surveys (QLFS) from time to time. The Quarterly Labour Force Surveys provide statistics on the national and provincial Economically Active Population (EAP) in terms of race and gender. Designated employers are required to use the Labour Force Survey of the third quarter for employment equity (EE) purposes when conducting an analysis (Section 19), preparing and implementing an EE plan (Section 20) and when reporting (Section 21) to the Department in terms of the EE Act, 1998 as amended.

Designated employers operating in more than one province must consider the nature and geographical area of their operations and adopt either the national or regional EAP for conducting an analysis, preparing an EE plan and reporting to the Department.

Designated employers who operate in more than one but whose operations are predominantly in one province may choose the EAP of the province where their operations are dominant.

Employers using the national EAP, or the EAP of a province in which the major part of its operations are, must nevertheless have regard to variations between the EAPs of different provinces when setting targets to achieve equitable representation of employees from designated groups in all occupational levels.

This information is reviewed annually, and also made available in the Commission for Employment Equity (CEE) Annual Reports, which may be accessed from the Department of Employment and Labour website:
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OCCUPATIONAL LEVELS

WHAT IS THE PURPOSE OF THIS ANNEXURE?

Job evaluation or grading systems are used by many organisations to measure jobs according to their content and establish the comparative worth between jobs.

This annexure provides a table of equivalent occupational levels that may be used by employers when completing the EEA2 and EEA4 forms.

INSTRUCTIONS

The table below indicates the occupational levels within organisations as developed through the use of different job evaluation or grading systems. The table provides equivalent levels from each of these job evaluation systems.

Employers that do not have job evaluation and grading systems should use the table below for guidance to determine the occupational levels in their organisations.

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OCCUPATIONAL LEVELS	Paterson Classic (levels)	Paterson Modern (bands)	ReMeasure ©(points)	Hay Units ©(points)	Hay Decision Tree (© points)	Peromnes ©(points)	Task © (levels)	JEasy © (levels)	DESCRIPTION
Top Management/ Executives	F+1 – F+5	G Band[1]	300-349	3581-7160		1++			Controls the functional integration of the business. Determines the overall strategy and objectives of the business. Directs the company into the future. The nature of the work and focus is long-term. Sign-off on policy or strategy
	F1 – F5	F Lower-F Upper	250-299	1801-3580	225-275	1 to 1+	23-26	6a-6e	
Senior Management	E1-E5	E Lower-E Upper	200-249	735-1800	175-224	3-2	19-22	5a-5e	Knowledge of entire business area/BU/company or group. Provide inputs for/formulation of the overall Organisational strategy. Translates the overall strategy into business plans for BU/Functional Unit, thereby operationalising organisational strategy. Implements and manages business plan, goals and objectives and ensures the achievement of overall key Organisational/BU/Functional outputs. Manages the development of innovation and change
Professionally Qualified & experienced specialists/mid-management	D1-D5	D Lower-D Upper	150-199	371-734	125-174	6-4	14-18	4a-4e	Professional knowledge of sub-discipline or discipline. Provide input in the formulation of Organisational/Functional Unit business plans. Formulate and implement departmental/team plans that will support the BU business plans. Optimisation of resources (finances, people, material, information and technology) to achieve given objectives in most productive and cost-effective way.
Skilled Technical & Academically Qualified/ Junior Management/ Supervisors/ Foremen/ Superintendents	C1-C5	C Lower-C Upper	100-149	192-370	75-124	10-7	9-13	3a-3e	Applies broad knowledge of products, techniques and processes. Evaluates procedures and applies previous experience. A good solution can usually be found. Determines own priorities. What has to be done is stipulated; but may require initiative in terms of how it should be done
Semi-Skilled & discretionary decision-making	B1-B5	B Lower-B Upper	50-99	85-191	25-74	11-15	4-8	2a-2e	Accountable for direct product, process or service quality. Incremental improvement of existing processes and procedures according to clear guidelines. Choosing of correct action on the basis of set standards, training procedures and past experience
Unskilled & defined decision-making	A1-A3	A	20-49	54-84	0-24	16-19	1-3	1a-1c	Steps to accomplish work or processes are clearly defined and understood. Tasks are sometimes repetitive and uncomplicated and the work cycle is short

[1] The F+1 – F+5 levels are commonly referred to as the G Band in industry and extend beyond the Paterson Classic F5 band.

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SUMMARY OF THE EMPLOYMENT EQUITY PROGRESS REPORT TO BE INCLUDED IN THE ANNUAL REPORT

Public companies that are designated employers must publish a summary of their EEA report in terms of section 21 of the Act in their annual financial report in terms of section 22 of the Act. Every employer who is required to comply with Section 22 must follow the format below.

Occupational levels

Please report the total number of **employees (including employees with disabilities)** in each of the following **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	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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Please report the total number of **employees with disabilities ONLY** in each of the following **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	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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REQUEST FOR EMPLOYMENT EQUITY REPORT (EEA2)

PLEASE READ THIS FIRST	Section A: Applicant details	
PURPOSE OF THIS FORM This form is used to request the Employment Equity Report (Form EEA2) of an employer from the Department of Employment and Labour. It is issued in terms of Section 21(5) of the Employment Equity Act, 55 of 1998 as amended. **INSTRUCTIONS** Enter the following link: https://ee.labour.gov.za/DMISO/EEA11Logon.aspx to register your personal profile and create a password to log into the EEA2 application and request the EEA2 Report. **Visit** www.labour.gov.za	Name and Surname:	
	ID / Passport No:	
	Organisation / Individual name	
	Address:	
	City:	
	Telephone No.:	
	E-mail Address:	
	Section B: EEA2 Report requested and Reason	
	EE Reference No:	
	Trading name:	
	Reason: Please select one key reason only (X)	
	Benchmarking	
	Research	
	Year for which the report is requested:	
	NB: Please consult the EE Public Register available on the Department's website to obtain the EE Reference number.	

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EE ANALYSIS (SECTION 19)

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
PURPOSE OF THIS FORM This form (EEA12) is used to conduct the Analysis. Designated employers are expected to complete this template in order to comply with Section 19. Section 19(1) of the EEA requires a designated employer to conduct an analysis as prescribed, of its employment policies, practices, procedures and the working environment in order to identify employment barriers which adversely affect people from designated groups. Section 19(2) indicates that the analysis must include a profile to determine the under-representation of people from the designated groups in the various occupational levels in the workforce.	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	National or Provincial EAP	
	Industry/Sector	
	Seta classification	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer	
	Name and surname	
	Telephone number	
	Email address	
	Details of Employment Equity Senior Manager	
	Name and Surname	
	Telephone number	
	Email address	
	Business type (Please mark with an X)	
	☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organization (Please mark with an X)	
	Is your organisation an organ of State or designated in terms of a collective agreement?	YES: ☐ NO: ☐
	Number of employees in your organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	EMPLOYEES: 1 to 49 ☐; 50 to 149 ☐; 150 or more ☐
	Is your organisation part of a group / holding company? If yes, please provide the name.	YES: ☐ NO: ☐ _____
	Date on which this EE Analysis was finalised.	_____

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EE ANALYSIS - PAGE 2 OF 11 EEA12

IMPORTANT INFORMATION

a. A designated employer must comply to Sections 16 and 17 of the Employment Equity Act, as amended, by consulting with employees when conducting an Analysis, preparing an EE Plan and reporting annually to the Department of Employment and Labour.

b. The purpose of the analysis is to determine the extent of under-representation of employees, i.e. both permanent and temporary employees, from the designated groups in the different occupational levels of the employer's workforce in terms of race, gender and disability; to assess all employment policies, procedures and practices, and the working environment in order to –

(i) Identify any barriers that may contribute to the under-representation of employees from the designated groups;
(ii) Identify any barriers or factors that may contribute to the lack of Affirmation of diversity in the workplace;
(iii) Identify other employment conditions that may adversely affect designated groups; and
(iv) Identify practices or factors that positively promote employment equity and diversity in the workplace, including reasonable accommodation.

c. Section 19(1) of the Employment Equity Act requires a designated employer to conduct an analysis of its employment policies, practices, procedures and the working environment in order to identify employment barriers, which adversely affect people from the designated groups. The review should include a critical examination of all established policies, practices, procedures and the working environment to identify barriers that directly or indirectly impede one or more of the designated groups' equitable representation in the workplace, including those relating to -

(i) Recruitment, selection, pre-employment testing and induction, promotion, development and retention that could be biased, inappropriate or un-affirming.
(ii) Succession and experience planning, promotions and transfers to establish whether designated groups are excluded or adversely affected.
(iii) Job assignments and training opportunities to establish if designated groups are enabled to participate and contribute meaningfully.
(iv) Performance and remuneration, including equal pay for work of equal value.
(v) Discipline and dispute resolution policies and practices that may not be justified and have a disproportionate adverse effect on the designated groups.
(vi) Working conditions that may not cater for cultural, religious and other diversity differences.
(vii) Working conditions that may not reasonably accommodate all designated employees, including for employees with disabilities.
(viii) Corporate culture.
(ix) Any other policy, procedure or practice that may arise from the consultation process.

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IMPORTANT INFORMATION

d. Section 19(2) of the EEA requires a designated employer to conduct a workforce profile analysis to determine the degree of under-representation of the various population groups in the different occupational levels, particularly the designated groups (Blacks, women and employees with disabilities). The first step in conducting an analysis of the workforce profile is to differentiate between employees of the various groups, both in terms of the designated (i.e., Blacks, women and employees with disabilities) and non-designated groups by using the EEA1 form, contained in the regulations, for employees to declare their status.

(i) Where there is doubt in the self-identification process of an employee, existing and/or historical information may be used to assist to verify an employee's status.

(ii) An analysis of the workforce profile should provide a comparison of designated groups using up- to-date demographic data in terms of their Economically Active Population (EAP) and their representation at the various occupational levels. The EAP is contained in the latest published Commission for Employment Equity (CEE) Annual Report and the description of the various occupational levels is contained in the EEA9 form of the regulations.

(iii) Designated employers operating in more than one province must consider the nature and geographical area of their operations and elect to adopt either-

(a) the national EAP;

(b) the provincial EAP for each of the provinces in which they operate;

(c) the provincial EAP of the province where the largest part of their operations is conducted.

(iv) Designated employers using the national EAP, or the EAP of a province in which the major part of its operations are, must nevertheless have regard to variations between the EAPs of different provinces when setting targets to achieve equitable representation of employees from designated groups in all occupational levels.

(v) Designated employer must use the EAP that they have chosen for conducting an analysis, preparing an EE plan and reporting to the Department and must utilise it for the entire duration of the EE Plan in line with the relevant 5-year sector targets.

(vi) The analysis of the workforce profile must be based on a snapshot of the employee distribution in the various occupational levels on a particular date in terms of race, gender and disability, and per occupational level on that date.

(vii) The analysis must capture the under-representation or over-representation of a particular group, whether designated or non-designated, and be used to identify and prioritize strategies in the EE plan, in order to address such under-representation.

(viii) A designated employer must conduct an Analysis for the purpose of addressing the 5-year sector specific targets set in terms of Section 15A of the Employment Equity Act as amended.

e. The alphabets "A", "C", "I", W", "M" and "F" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians", "Whites", "Males" and "Females" respectively.

f. "Temporary employees" are those employees employed for less than three months.

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1. ANALYSIS OF THE EMPLOYMENT POLICIES, PRACTICES, PROCEDURES AND THE WORKING ENVIRONMENT

1.1. BARRIERS AND AFFIRMATIVE ACTION MEASURES (*policies, procedures and/or practice)*

In order to conduct an analysis of policies, procedures and/or practice, barriers are identified and proposed affirmative action measurers established to respond to such barriers. Please note that the information below serves as a baseline to inform the 'Barriers and Affirmative Action measures (non-numerical goals) in the Employment Equity Plan (EE Plan).

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
	POLICY	PROCEDURE	PRACTICE		
Recruitment					
Advertising positions					
Selection criteria					
Appointments					
Job classification and grading					

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
	POLICY	PROCEDURE	PRACTICE		
Remuneration and benefits					
Terms & conditions of employment					
Work environment and facilities					
Training and development					
Performance and evaluation					
Succession & experience planning					
Disciplinary measures					
Retention of designated groups					
Corporate culture					
Reasonable accommodation					

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CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES				
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)
	POLICY	PROCEDURE	PRACTICE		
Harassment					
HIV&AIDS prevention and wellness programmes					
Assigned senior manager(s) to manage EE implementation					
Budget allocation in support of employment equity goals					
Time off for employment equity consultative committee to meet					

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2. WORKFORCE PROFILE ANALYSIS

Section 19(2) of the EEA requires designated employers to conduct a workforce profile analysis of each occupational level in order to determine the degree of under-representation of the various population groups in the different occupational levels.

Designated employers must use the relevant Economically Active Population (EAP) and the 5-year sector targets that have been set in terms of Section 15A of the Employment Equity Act as amended and its regulations in terms of population group, gender and for employees with disabilities when conducting a workforce profile analysis to determine the under-representation.

2.1 5-YEAR SECTOR NUMERICALTARGETS AND NUMERICAL GOALS

Employers must set their own targets for the two bottom occupational levels (i.e. semi-skilled and unskilled). Employers will have to make a full analysis to set targets for these two levels before populating the table below.

5-YEAR SECTOR TARGETS AND NUMERICAL GOALS FOR SEMI-SKILLED AND UNSKILLED LEVEL (2025-2030)		
OCCUPATIONAL LEVELS AND DISABILITY	GENDER	DESIGNATED GROUPS SECTOR TARGET %
TOP MANAGEMENT	Male	
	Female	
	TOTAL	
SENIOR MANAGEMENT	Male	
	Female	
	TOTAL	
PROFESSIONALLY QUALIFIED	Male	
	Female	
	TOTAL	
SKILLED TECHNICAL	Male	
	Female	
	TOTAL	
		EMPLOYER'S NUMERICAL GOAL
SEMI-SKILLED	Male	
	Female	
	TOTAL	
UNSKILLED	Male	
	Female	
	TOTAL	
5-YEAR NUMERICAL TARGET FOR EMPLOYEES WITH DISABILITIES		
5-Year Sector Target for Employees with disabilities (%)		

2.2 SNAPSHOT OF WORKFORCE PROFILE

Workforce profile Information contained in the two tables below in terms of population group, gender and disability as of the last day of the month _____ (dd/ mm/ yyyy). **Table 1A** contains information on all employees, including employees with disabilities, and **Table 1B** only contains information on employees with disabilities.

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Table 1A: Snapshot of all employees, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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Table 1B: Snapshot of employees with disabilities Only

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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2.3 ANALYSIS OF WORKFORCE PROFILE BY OCCUPATIONAL LEVEL

The analysis must be done separately for the various population groups and gender (including the population group and gender intersections) within each of the occupational levels.

Where the representation of employees with disabilities is below 3%, designated employers are expected to indicate the strategies to address the under-representation.

2.2.1 TOP MANAGEMENT (Analysis)

Top Management	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) **(Designated groups)**											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

2.2.2 SENIOR MANAGEMENT (Analysis)

Senior Management	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) **(Designated groups)**											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

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2.2.3 PROFESSIONALLY QUALIFIED (Analysis)

Professionally Qualified	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) (Designated groups)											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

2.2.4 SKILLED (Analysis)

Skilled Technical	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP%											
5-Year Sector Target (%) (Designated groups)											
Workforce Profile(value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the 5-year sector target.											

2.2.5 SEMI-SKILLED (Analysis)

Semi-Skilled	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP											
Workforce Profile (value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the numerical goals.											

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2.2.6 UNSKILLED (Analysis)

Unskilled	Male				Female				Foreign National		Total
	A	C	I	W	A	C	I	W	Male	Female	
EAP											
Workforce Profile (value)											
Workforce Profile (%)											
COMMENTS: Please provide observations and proposed strategies to address the under-representation of any group in order to achieve the numerical goals.											

2.2.7 EMPLOYEES WITH DISABILITIES (Analysis)

Employees with Disabilities (% of Total Workforce)	
A. 5-Year Sector Target (%)	3%
B. Total Workforce Profile of employees with Disabilities (value)	
C. Total workforce of all the employees (Value)	
D. Total Workforce Profile of employees with Disabilities (%)	B / C x 100 = D (%)
COMMENTS: Please provide observations and proposed strategies to address the under-representation of employees with disabilities in order to achieve the 5-year sector target.	

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EE PLAN (SECTION 20)

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM

Section 20 requires designated employers to prepare and implement an Employment Equity Plan which will achieve reasonable progress towards employment equity in the employer's workforce. An Employment Equity Plan must state-

(a) The objectives to be achieved for each year of the plan

(b) The affirmative action measures to be implemented as required by section 15(2);

(c) Where under representation of people from designated groups has been identified by the analysis, the numerical goals to achieve the equitable representation of suitably qualified people from designated groups within each occupational level in the workforce, the timetable within which this is to be achieved, and the strategies intended to achieve those goals;

(d) The timetable for each year of the plan for the achievement of goals and objectives other than numerical goals;

(e) The duration of the plan, this may not be shorter than one year or longer than five years;

(f) The procedures that will be used to monitor and evaluate the implementation of the plan and whether reasonable progress is being made towards implementing employment equity;

(g) The internal procedures to resolve any dispute about the interpretation or implementation of the plan;

(h) The persons in the workforce, including senior managers, responsible for monitoring and implementing the plan; and

(i) Any other prescribed matter

SECTION A: EMPLOYER DETAILS & INSTRUCTIONS

Trade name	
DTI registration name	
DTI registration number	
PAYE/SARS number	
UIF reference number	
EE reference number	
National or Provincial EAP	
Industry/Sector	
Seta classification	
Bargaining Council	
Telephone number	
Postal address	
Postal code	
City/Town	
Province	
Physical address	
Postal code	
City/Town	
Province	
Details of CEO/Accounting Officer	
Name and surname	
Telephone number	
Email address	
Details of Employment Equity Senior Manager	
Name and Surname	
Telephone number	
Email address	
Business type (Please mark with an X)	
☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ Educational Institution
Information about the organization (Please mark with an X)	
Is your organisation an organ of State or designated in terms of a collective agreement?	YES: ☐ NO: ☐
Number of employees in your organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	1 to 49: ☐ 50 to 149: ☐ 150 or more: ☐
Is your organisation part of a group / holding company? If yes, please provide the name.	YES: ☐ NO: ☐ _____
Date on which this EE Plan was finalised and approved.	_____

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IMPORTANT INFORMATION

a) A designated employer must comply to Sections 16 and 17 of the Employment Equity Act, as amended, by consulting with employees when conducting an EE Analysis, preparing an EE Plan and reporting annually to the Department of Employment and Labour.

b) Section 20 requires that a designated employer prepares and implements an Employment Equity Plan.

c) The employer must consult and attempt to reach consensus on the development of the EE Plan (EEA13) by taking the following into account-

(i) Analysis report (EEA12).
(ii) National or Provincial Economically Active Population (EAP)
(iii) Determining the duration of the EE Plan.
(iv) Determining the annual objectives of the EE Plan.
(v) Corrective measures/ Affirmative Action measures formulated, including goals and targets.
(vi) Time frames established.
(vii) Determine the monitoring procedures of the implementation of the EE Plan.
(viii) Determine the internal procedures to resolve any dispute about the implementation of the EE Plan.
(ix) Resources identified and allocated for the implementation of the EE Plan, including senior managers responsible for monitoring the implementation of the EE Plan.
(x) The EE Plan must be communicated to all employees.

d) Barriers and Affirmative Action Measures must be aligned with those indicated in the audit analysis (EEA12) and meet the following requirements:

- Include time-frames in order to track progress in the implementation of these AA Measures;
- These time-frames should be within the duration of the EE Plan in terms of day, month and year (dd/mm/yyyy); and
- Include the designations of responsible persons in the workforce to monitor the implementation of these AA Measures.

e) Designated employers must prepare and implement an EE Plan (EEA13) that outlines annual targets, which are in line with relevant 5-year sector targets regulated in terms of Section 15A of the Employment Equity Act as amended for the four-upper occupational levels (i.e. Top Management, Senior Management, Professionally Qualified and Skilled Technical).

f) Employers who become designated during the 5-year sector target period regulated in terms of Section 15A of the Employment Equity Act as amended must prepare an EE Plan with annual targets for the remainder of the period.

g) Numerical goals and targets in the EE plan must include the entire workforce profile for that occupational level in terms of population group and gender, and NOT the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve.

h) The objectives to be achieved for each year of the plan should meet the SMART principle as follows: Specific; measurable; attainable; relevant and time bound.

i) "Temporary employees" are those employees employed for less than three months.

j) Guidelines on occupational levels are provided in the EEA9 form of these regulations.

N.B It is advisable that at least 6 months before the expiry of the EE Plan a designated employer should prepare a subsequent EE Plan (Successive EE Plan as required by Section 23).

1. DURATION OF THE PLAN

The affirmative action measures, numerical goals and the annual targets in this EE Plan must be aligned to the sector targets (i.e. the 5-year sector target) set in terms of Section 15A of the Employment Equity Act, as amended. The specific start and end dates for the duration of this Employment Equity Plan (EE Plan) is contained below.

Start date: (dd / mm / yyyy) **to** **End date: (dd / mm / yyyy)**

2. OBJECTIVES FOR EACH YEAR OF THE PLAN

The relevant Economically Active Population (EAP) and the 5-year sector targets set in terms of Section 15A of the Employment Equity Act, as amended, have been used to address the under-representation of the suitably qualified individuals from the designated groups in this EE Plan.

The objectives for each year of the plan outlined below are specific, measurable, attainable, relevant and time bound.

TIMEFRAMES		OBJECTIVES
YEAR 1	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 2	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 3	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 4	From DD/MM/YYYY to DD/MM/YYYY	
YEAR 5	From DD/MM/YYYY to DD/MM/YYYY	

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3. BARRIERS AND AFFIRMATIVE ACTION MEASURES

The barriers and Affirmative Action Measures identified in the EE analysis conducted must be included in the EE Plan. These measures must include time- frames to track progress in the implementation of the AA Measures. The time-frames must have specific dates and be within the duration of the EE Plan (no "ongoing" permitted). The designations of responsible persons to monitor the implementation of these AA Measures must be specified.

CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	TIME-FRAMES		RESPONSIBILITY (Designation)
	POLICY	PROCEDURE	PRACTICE			START DATE	END DATE	
Recruitment								
Advertising positions								
Selection criteria								
Appointments								
Job classification and grading								
Remuneration and benefits								
Terms & conditions of employment								
Work environment and facilities								

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CATEGORIES	BARRIERS AND AFFIRMATIVE ACTION MEASURES							
	Tick (√) one or more cells for each category below to indicate where barriers exist in terms of policies, procedures and/or practice			BARRIERS (PLEASE PROVIDE NARRATION) (Briefly describe each of the barriers identified in terms of policies, procedures and/or practice for each category)	PROPOSED AFFIRMATIVE ACTION MEASURES (PLEASE PROVIDE NARRATION) (Briefly describe the affirmative action measures to be implemented in response to barriers identified for each category)	TIME-FRAMES		RESPONSIBILITY (Designation)
	POLICY	PROCEDURE	PRACTICE			START DATE	END DATE	
Performance and evaluation								
Succession & experience planning								
Disciplinary measures								
Retention of designated groups								
Corporate culture								
Reasonable accommodation								
Harassment								
HIV&AIDS prevention and wellness programmes								
Assigned senior manager(s) to manage EE implementation								
Budget allocation in support of employment equity goals								
Time off for employment equity consultative committee to meet								

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4. 5-YEAR SECTOR NUMERICALTARGETS AND NUMERICAL GOALS

Employers must populate the table below using the regulated 5-year sector targets including the numerical goals for the semi-skilled and unskilled level.

5-YEAR SECTOR TARGETS AND NUMERICAL GOALS FOR SEMI-SKILLED AND UNSKILLED LEVEL (2025-2030)		
OCCUPATIONAL LEVELS AND DISABILITY	GENDER	DESIGNATED GROUPS SECTOR TARGET %
TOP MANAGEMENT	Male	
	Female	
	TOTAL	
SENIOR MANAGEMENT	Male	
	Female	
	TOTAL	
PROFESSIONALLY QUALIFIED	Male	
	Female	
	TOTAL	
SKILLED TECHNICAL	Male	
	Female	
	TOTAL	
		EMPLOYER'S NUMERICAL GOAL
SEMI-SKILLED	Male	
	Female	
	TOTAL	
UNSKILLED	Male	
	Female	
	TOTAL	
5-YEAR NUMERICAL TARGET FOR EMPLOYEES WITH DISABILITIES		
5-Year Sector Target for Employees with disabilities (%)		

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5. WORKFORCE PROFILE, NUMERICAL GOALS AND TARGETS

5.1 SNAPSHOT OF THE CURRENT WORKFORCE PROFILE

The workforce profile snapshot tables used for the conducting of the analysis to inform this plan are used below as a baseline for the setting of numerical goals and targets for each year of the plan.

Workforce profile snapshot date .....
DD / MM /YYYY

Table 1: Snapshot of workforce profile for all employees, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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Table 2: Snapshot for workforce profile for employees with disabilities ONLY

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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5.2 5-YEAR SECTOR NUMERICAL TARGETS, NUMERICAL GOALS AND ANNUAL TARGETS

5-year Sector Numerical targets and Numerical goals must include the entire workforce profile, and **NOT** the difference that is projected to be achieved by the end of this EE Plan. Below are two tables on numerical goals, one covering all employees, including employees with disabilities, and the other covering employees with disabilities **ONLY.**

Start date: ..... **End date:** .....
DD / MM / YYYY **DD / MM / YYYY**

Table 3: Numerical goals and 5-year Sector Targets for all employees, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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Table 4: Numerical goals and targets for employees with disabilities ONLY

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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5.3 NUMERICAL TARGETS

Numerical targets must include the entire workforce profile, and **NOT** the difference that is projected to be achieved by the next reporting period. Below are two tables on numerical targets, one covering all employees, including employees with disabilities, and the other only covers employees with disabilities **ONLY**.

Numerical targets: Year 1	
Start date: ..... DD / MM / YYYY	End date: ..... DD / MM / YYYY

Table 5: Numerical targets for all employees, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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Table 6: Numerical targets for employees with disabilities ONLY

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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EE PLAN - PAGE 13 OF 20 EEA13

Numerical targets: Year 2

Start date: ..... End date: .....
DD / MM / YYYY DD / MM / YYYY

Table 7: Numerical targets, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

EE PLAN - PAGE 14 OF 20 EEA13

Table 8: Numerical targets for employees with disabilities ONLY

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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EE PLAN - PAGE 15 OF 20 **EEA13**

Numerical targets: Year 3

Start date: ..... End date: .....
DD / MM / YYYY DD / MM / YYYY

Table 9: Numerical targets, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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EE PLAN - PAGE 16 OF 20 EEA13

Table 10: Numerical targets for employees with disabilities ONLY

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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EE PLAN - PAGE 17 OF 20	EEA13

Numerical targets: Year 4	
Start date: ..... DD / MM / YYYY	End date: ..... DD / MM / YYYY

Table 11: Numerical targets, including employees with disabilities

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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EE PLAN - PAGE 18 OF 20 EEA13

Table 12: Numerical targets for employees with disabilities ONLY

Occupational Levels		Male				Female				Foreign Nationals		Total
		A	C	I	W	A	C	I	W	Male	Female	
Top management	value											
	%											
Senior management	value											
	%											
Professionally qualified and experienced specialists and mid-management	value											
	%											
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	value											
	%											
Semi-skilled and discretionary decision making	value											
	%											
Unskilled and defined decision making	value											
	%											
TOTAL PERMANENT	value											
	%											
Temporary employees	value											
	%											
GRAND TOTAL	value											
	%											

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6. PROCEDURES TO MONITOR AND EVALUATE THE IMPLEMENTATION OF THE PLAN

All the structures for monitoring and evaluating the progress of the plan should be specified with clear roles and responsibilities for the stakeholders involved including time frames when the monitoring takes place.

STAKEHOLDER	ROLE/RESPONSIBILITY	FREQUENCY

7. DISPUTE RESOLUTION MECHANISMS

A clear process to be followed to resolve disputes arising from the interpretation and implementation of the EE Plan, including the responsible persons and time-frames for each step to resolve the dispute.

8. SENIOR MANAGERS ASSIGNED TO MONITOR AND IMPLEMENT THE PLAN

9. ANY OTHER PRESCRIBED MATTER CAN BE INCLUDED.

EE PLAN - PAGE 20 OF 20 EEA13

SIGNATURE OF THE CHIEF EXECUTIVE OFFICER/ACCOUNTING OFFICER

The information contained in the EEA13 template must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Chief Executive Officer/Accounting Officer

I---------- (full Name) CEO/Accounting Officer of (Organisation)

----

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

Signed on this ----------day of ----------year----------

At place: ----------

Chief Executive Officer /Accounting Officer

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REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 2 EEA14

DIRECTOR-GENERAL NOTIFICATION FORM

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
PURPOSE OF THIS FORM This form is issued in terms of Section 21(4A) of the Employment Equity Amendment Act, 2013 (Act No. 47 of 2013) for designated employers to notify the Director-General if they are unable to submit EE Report(s). **WHO COMPLETES THIS FORM?** Designated employers who are unable to submit their EE Report. The reason should be applicable to one or more of the reasons specified for in this form. This form must be signed by the; • **CEO** (Private Sector) • **Accounting Officer** (Organ of State) **SEND TO:** **The Director-General C/O Employment Equity Registry Laboria House 215 Francis Baard Street Pretoria** **or** **Please visit the website for further guidance to submit the EEA14 form by using the Employment Equity online reporting system:** www.labour.gov.za	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	Industry/Sector	
	Seta classification	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer	
	Name and surname	
	Telephone number	
	Email address	
	Details of Employment Equity Senior Manager	
	Name and Surname	
	Telephone number	
	Email address	
	Business type (Please mark with an X)	
	☐ Private Sector ☐ National Government ☐ Local Government ☐ Non-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organization (Please mark with an X)	
	Number of employees in your organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	EMPLOYEES / x 1 to 49 50 to 149 150 or more
	Is your organisation part of a group / holding company? If yes, please provide the name.	YES / NO _____
	Reporting year	_____

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DG NOTIFICATION – PAGE 2 OF 2 EEA14

Section B: Select applicable reason below (X)		
	Reason	**Supporting documentation**
	Section 189-LRA	Section 189 Resolution/Agreement
	Section 197 LRA/Transfer of Business	Transfer Agreement/Resolution
	Mergers/Acquisitions	Merger/Acquisition Agreement/Proclamation Gazette
	Liquidation/Judicial Winding	Liquidation Order/Certificate
	Insolvency	Insolvency Order/Certificate
	Business sold/closed down	Sale Agreement or any relevant documentation
	Undergoing Business Rescue	Business Rescue Practitioner's Appointment Letter or any relevant documentation
	Non-designated employer	CEO Declaration
	Other: Specify_____	Provide relevant documentation

Please provide a brief motivation based on the reason selected above:

Chief Executive Officer/Accounting Officer

The information contained in the EEA14 form must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

I ---------- (Full Name) CEO/Accounting Officer of (Organisation)

Signed on this ----------day of ---------- (month)year ----------

At place: ----------

Chief Executive Officer /Accounting Officer

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Department:
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REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 3 EEA15

REQUEST FOR EE COMPLIANCE CERTIFICATE

PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
PURPOSE OF THIS FORM This form must be completed by both designated and non-designated employers when requesting a certificate of compliance from the Department of Employment and Labour in terms of Section 53(2) of the Employment Equity Act of 1998, as amended. **INSTRUCTIONS** **Designated employers and non-designated employers must only complete areas of the form that apply to them.** **Designated** employers must complete **sections A, B, C & D.** **Non-designated** employers must complete **sections A, B, & D.** **HOW TO REQUEST A COMPLIANCE CERTIFICATE?** **The request must be made online by means of the department website, www.labour.gov.za**	Trade name	
	DTI registration name	
	DTI registration number	
	PAYE/SARS number	
	UIF reference number	
	EE reference number	
	National or Provincial EAP	
	Industry/Sector	
	Seta classification	
	Bargaining Council	
	Telephone number	
	Postal address	
	Postal code	
	City/Town	
	Province	
	Physical address	
	Postal code	
	City/Town	
	Province	
	Details of CEO/Accounting Officer	
	Name and surname	
	Telephone number	
	Email address	
	Details of Employment Equity Senior Manager	
	Name and Surname	
	Telephone number	
	Email address	
	Business type (Please mark with an X)	
	☐Private Sector ☐National Government ☐ Local Government ☐Non-profit Organisation	☐ State Owned Enterprise ☐ Provincial Government ☐ Educational Institution
	Information about the organization (Mark with X)	
	Is your organisation an organ of State or designated in terms of a collective agreement?	**YES** / **NO**
	Number of employees in your organisation. **(NB: Employers with 1 to 49 employees are designated if they are an organ of state or if they are appointed as a designated employer by collective agreement to comply with Chapter 3 of the EEA)**	**1 to 49** **50 to 149** **150 or more**
	Is your organisation part of a group / holding company? If yes, please provide the name.	**YES** / **NO**

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REQUEST FOR AN EE COMPLIANCE CERTIFICATE – PAGE 2 OF 3 EEA15

SECTION B: *TO BE COMPLETED BY BOTH DESIGNATED AND NON-DESIGNATED EMPLOYERS*

1. Complied with the requirements of the National Minimum Wage Act, 2018 or any exemption granted in terms of the Act, and there has been no award by the CCMA for failing to pay the national minimum wage in the previous 12 months.

YES	
NO	

2. Complied with Chapter II of the EE Act and there have been no adverse findings against the employer in the previous 12 months on unfair discrimination in the workplace by the CCMA and/or Labour Court.

YES	
NO	

3. In the case of an award made by the CCMA contemplated in question 1 or 2 or any court order in terms of Chapter II of the EE Act, is the matter currently the subject of an Appeal or Review.

YES	
NO	

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REQUEST FOR AN EE COMPLIANCE CERTIFICATE – PAGE 3 OF 3 EEA15

SECTION C: *TO BE COMPLETED BY DESIGNATED EMPLOYERS ONLY*

4. Have you complied with the applicable sectoral targets as specified in terms of section 15A of the Act in your EE Plan for this reporting period?

YES	
NO	

5. Did not meet the targets stipulated in the regulations in terms of Section 15A of the Act due to the following reason(s):

PLEASE MARK WITH AN X KEY JUSTIFIABLE REASON FOR NOT COMPLYING WITH THE EE SECTOR TARGETS	**X**
a. Insufficient recruitment opportunities	
b. Insufficient promotion opportunities	
c. Insufficient target individuals from the designated groups with relevant formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job	
d. Impact of a CCMA award or Court Order	
e. Impact of a transfer of business	
f. Impact of Mergers/ Acquisitions	
g. Impact of economic conditions on the business	

SECTION D: SIGNATURE: CHIEF EXECUTIVE OFFICER / ACCOUNTING OFFICER

The information contained in the EEA15 form must be authorised and verified by the Chief Executive Officer; or the Accounting Officer in the case of an employer falling under the Public Finance Management Act, 1999(Act No.1 of 1999) or the Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

I..... (Full name) CEO/Accounting Officer hereby declare that the above information is true and correct.

Signed on this ----------(day) of ---------- (month) ---------- (year)

At place: ----------

SIGNATURE OF THE CHIEF EXCECUTIVE OFFICER / ACCOUNTING OFFICER

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Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

EEA16A

Ref No : 000000
Website : www.labour.gov.za
Issue Date : 00000000

EE Compliance Certificate

Issued in terms of Section 53(2) is valid for 12 months from the date of issue in terms of section 53(3) Employment Equity Act 55 of 1998 as amended

to

NAME OF THE EMPLOYER

being a

DESIGNATED EMPLOYER

and

is hereby certified to have complied with the requirements specified in section 53(6) of the Employment Equity Act, 1998 as amended

Providing false information to obtain a certificate of compliance or altering a certificate is a criminal offence which will render a person liable for prosecution at the instance of the Department of Employment and Labour.

SIGNATURE :

MINISTER OF EMPLOYMENT AND LABOUR

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REPUBLIC OF SOUTH AFRICA

EEA16B

Ref No : 000000
Website : www.labour.gov.za
Issue Date : 00000000

Certificate of Compliance

Issued in terms of Section 53(2) is valid for 12 months from the date of issue in terms of section 53(3) Employment Equity Act 55 of 1998 as amended

to

NAME OF THE EMPLOYER

being a

NON-DESIGNATED EMPLOYER

is hereby certified to have complied with the requirements specified in section 53(6) of the Employment Equity Act, 1998 as amended.

NOTE: Providing false information to obtain a certificate of compliance or altering a certificate is a criminal offence which will render a person liable for prosecution at the instance of the Department of Employment and Labour.

SIGNATURE: _____

MINISTER OF EMPLOYMENT AND LABOUR

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Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

EEA16C

Ref No : **000000**
Website : **www.labour.gov.za**
Issue Date : **00000000**

To

.....

.....

NOTICE OF INTENTION TO WITHDRAW CERTIFICATE ISSUED IN TERMS OF SECTION 53(2) OF THE EMPLOYMENT EQUITY ACT, 1998

It has come to the attention of the Department of Employment and Labour that the certificate issued to your business on.....should be withdrawn because –

(a) You provided incorrect infomation when applying for the certificate in that -
.....
.....
.....

(b) the conditions to receive the certificate are no longer satisfied in that -
.....
.....
.....

You are hereby notified that you have a period of 14 days from the date of this notice to provide written representations as to why the certificate should not be withdrawn. Any representations you make must be served.....

_____

MINISTER OF EMPLOYMENT AND LABOUR/

LABOUR INSPECTOR

OFFICIAL WITH DELEGATED AUTHORITY

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employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

EEA16D

Ref No	:	**000000**
Website	:	**www.labour.gov.za**
Issue Date	:	**00000000**

To

.....

.....

NOTICE OF WITHDRAWAL OF CERTIFICATE ISSUED IN TERMS OF SECTION 53(2) OF THE EMPLOYMENT EQUITY ACT, 1998

On..... the Minister of Employment and Labour issued your business with certificate issued in terms of section 53(2) of the Employment Equity Act, 1998.

... .you were issued with a notice of intention to withdraw that certificate and provided with 14 days to make representations why this should not be done.

You did/ did not (delete where inapplicable) file representations.

Have considered the available evidence, including any representations filed, you are advised that the certificate has been withdrawn because –

(a) the certificate was issued as a result of misrepresentation or the provision of fraudulent or inaccurate information;
(b) any condition necessary for issuing the certificate being .....
.....no longer exists.
(delete where inapplicable)

MINISTER OF EMPLOYMENT AND LABOUR

LABOUR INSPECTOR

OFFICIAL WITH DELEGATED POWERS

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Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

PAGE 1 OF 4 EEA17

ECONOMIC SECTORS AND SUB-SECTORS IN LINE WITH THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
1.	ACCOMMODATION AND FOOD SERVICE ACTIVITIES	1. Accommodation, Short term accommodation activities 2. Camping grounds, recreational vehicle parks and trailer parks 3. Food and beverage service activities; Restaurants and mobile food service; Event catering another food service activities
2.	ADMINISTRATIVE AND SUPPORT ACTIVIES	1. Renting and leasing of motor vehicles (with or without driver) 2. Renting and leasing of personal and household goods 3. Renting and leasing of other machinery, equipment and tangible goods 4. Activities of employment placement agencies 5. Temporary employment agency activities; and other human resources provision 6. Travel agency, tour operator, reservation service and related activities 7. Security and investigation related to private security activities; security systems service activities 8. Services to buildings such as cleaning, landscape care and maintenance service activities 9. Office administrative, office support and other business support activities such as photocopying, document preparation 10. Activities of call centres
3.	AGRICULTURE, FORESTRY & FISHING	1. Crop and animal production, hunting and related services activities. 2. Forestry and logging 3. Fishing and aquaculture
4.	ARTS, ENTERTAINMENT AND RECREATION	1. Creative, arts and entertainment activities 2. Libraries, archives, museums and other cultural activities 3. Gambling and betting activities 4. Sports activities and amusement and recreation activities 5. Other amusement and recreation activities

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ECONOMIC SECTORS AND SUB-SECTORS – PAGE 2 OF 4 EEA17

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
5.	CONSTRUCTION	1. Construction of buildings 2. Civil Engineering 3. Specialised construction activities
6.	EDUCATION	1. Pre – primary and primary education and activities of after-school centres; Primary education 2. Secondary; Technical and vocational education 3. Higher education 4. Other education 5. Educational support activities
7.	ELECTRICITY, GAS, STEAM AND AIR CONDITION SUPPLY	1. Electricity, gas, steam and air conditioning supply
8.	FINANCIAL AND INSURANCE ACTIVITIES	1. Financial service activities, except insurance and pension funding. 2. Insurance, reinsurance and pension funding, except compulsory social security 3. Activities auxiliary to financial service and insurance activities
9.	HUMAN HEALTH AND SOCIAL WORK ACTIVITIES	1. Human health activities 2. Residential care activities 3. Social work activities without accommodation
10.	INFORMATION AND COMMUNICATION	1. Publishing activities. 2. Motion picture, video and television programme production, sound recording and music publishing activities. 3. Programme and broadcasting services 4. Telecommunications 5. Computer programming, consultancy and related activities 6. Information service activities
11.	MANUFACTURING	1. Manufacturing of food products; beverages and tobacco products 2. Manufacturing of textile; wearing apparel; leather and related products 3. Manufacturing of wood and product of wood; furniture; cork; articles of straw; plaiting materials; paper and paper products 4. Manufacturing of printing; reproduction of recorded media; computer; electronic and optical products 5. Manufacturing of coke; refined petroleum products; chemical products; pharmaceuticals; medicinal chemical; botanical products; rubber; tyres and tubes; plastic products and non-metallic mineral products 6. Manufacturing of basic metals; fabricated metal products; except machinery and equipment 7. Manufacturing of electrical equipment; machinery; equipment; motor vehicles; trailers; semi-trailers; transport equipment; installation of machinery and equipment.

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ECONOMIC SECTORS AND SUB-SECTORS – PAGE 3 OF 4 EEA17

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
12.	**MINING AND QUARRYING**	1. Mining of coal and lignite 2. Extraction of crude petroleum and natural gas 3. Mining of metal ores 4. Other mining and quarrying 5. Mining support service activities
13.	**PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES**	1. Legal and accounting, bookkeeping and auditing activities, tax consultancy 2. Activities of head office; management consultancy activities 3. Architectural and engineering activities; technical testing and analysis 4. Scientific Research and experimental development on natural science and engineering; social sciences and humanities 5. Advertising and market research and public opinion 6. Specialised design and photographic activities 7. Veterinary activities.
14.	**PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY**	1. Administration of the state and the economic and social policy of the community and provision of services to the community as a whole at National; Provincial and Local government levels. 2. Compulsory social security activities.

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ECONOMIC SECTORS AND SUB-SECTORS – PAGE 4 OF 4 EEA17

NO.	SECTORS	SUB-SECTORS (DIVISIONS)
15.	**REAL ESTATE ACTIVITIES**	1. Real estate activities with own or leased property 2. Real estate activities on a fee or Contract basis
16.	**TRANSPORTATION AND STORAGE**	1. Land transport and transport via pipeline 2. Water transport 3. Air transport 4. Warehousing and support activities for transportation 5. Postal and courier activities
17.	**WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES**	1. Water collection, treatment and supply 2. Sewerage 3. Waste collection, treatment and disposal activities; materials recovery 4. Remediation activities and other waste management services
18.	**WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLE**	1. Wholesale and retail trade and; repair of motor vehicles and motorcycles, including sales of motor vehicles; wholesale of motor vehicles; retail of new and used motor vehicles; sale and maintenance of repair of motor vehicles and motorcycles and related parts and accessories; retail of automotive fuel in specialised stores 2. Wholesale trade of motor vehicles and motorcycles, including wholesale of agricultural raw materials and live animals, food, beverages, tobacco, household goods, machinery, equipment and supplies and other specialised wholesale such as slid, liquid and gaseous fuels, metals and metal ore, construction materials, hardware, plumbing and heating equipment and supplies, waste and scrap, trade in diamonds, pearls and other precious and semi-precious stones 3. Retail trade of motor vehicle and motorcycles, including retail sale in non-specialised stores with food, beverages, retail sale of food, beverages, tobacco information and communications equipment, cultural and recreation goods, and other goods such as clothing, footwear and leather, pharmaceutical and medical goods, cosmetics and toilet articles and jewellery in specialised stores.

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SCHEDULE
APPLICATION FOR LEAVE OF ABSENCE

Surname	MULAUDZI								Initials:	V					
PERSAL Number:	2	7	1	2	7	1	0	9	Shift Worker		Yes		No		
Address during the Leave Period:									Casual Employee		Yes		No		
130 JAMES CLARK ST RIVIERA,PRETORIA 0084									Department	JUSTICE					
									Component	STATE ATTORNEY					
Tel. No.: 076 683 1441															

SECTION A: For Periods covering a full day

Type of Leave Taken as Working Days	Start Date	End Date	Number of Working Days
Annual Leave	1/04/2026	2/04/2026	2
Normal Sick Leave (Provide supporting evidence when applicable)			
Temporary Incapacity Leave	*Temporary incapacity leave must be applied for on the application form prescribed in terms of the Policy and Procedure on Incapacity Leave and Ill-health Retirement for Public Service Employees.*		
Leave for Occupational Injuries and Diseases			
Adoption Leave (Provide supporting evidence)			
Family Responsibility Leave (Provide supporting evidence)			
Pre-natal Leave (Provide supporting evidence)			
Paternity Leave (Provide supporting evidence)			
Special Leave ((Provide supporting evidence)			
Specify Type of Special Leave			
Leave for Union Office Bearers (Provide supporting evidence)			
Leave for Union Shop Stewards (Provide supporting evidence)			
Specify Union Affiliation			

Type of Leave Taken as Calendar Days/Months/Weeks	Start Date	End Date	Number of Calendar Days
Unpaid Leave (Provide motivation)			
Maternity Leave (Provide supporting evidence))			No. of Calendar Months
Surrogacy Leave: Committing Parent (Provide supporting evidence)			No. of Calendar Months
Surrogacy Leave: Surrogate mother (Provide supporting evidence)			No of weeks

SECTION B: For periods covering parts of a day or fractions

Type of Leave Taken as Working Days	Date	Start Time	End Time	Number of Hours/ Minutes	
Annual Leave				h	m
Normal Sick Leave				h	m
Family Responsibility Leave (Provide supporting evidence)				h	m
Pre-natal Leave (Provide supporting evidence)				h	m
Paternity Leave (Provide supporting evidence)				h	m
Special Leave				h	m
Specify Type of Special Leave					
Leave for Union Office Bearers (Provide supporting evidence)				h	m
Leave for Union Shop Stewards (Provide supporting evidence)				h	m
Specify Union Affiliation					

I hereby confirm that I have acquainted myself of my available leave credits and with the rules governing the leave I have applied for. Further, I am certifying that the information provided is correct. Any falsification of information in this regard may form ground for disciplinary action. Furthermore, I fully understand that if I do not have sufficient leave credits from my previous or current leave cycle to cover for my application, my capped leave as at 30 June 2009 will be automatically utilised.

EMPLOYEE SIGNATURE — DATE: 23/03/2026

Recommendation by Supervisor/Manager (Mark with X) *Note: Completion is not required if the supervisor/manager is also the delegated authority responsible to approve the application*

Recommended	X	Not Recommended		Rescheduled	

REMARKS (*If not recommended please state the reasons & the dates in the case of rescheduling*):

MANAGER'S/SUPERVISOR'S SIGNATURE — DATE: 23/03/2026

Approval by Executive Authority, Head of Department or Designee (Mark with X)

Approved With Full Pay	X	Approved Without Pay		Not Approved	

REMARKS (*If approved with a change in condition of payment or not approved, please provide motivation*):

SIGNATURE OF EXECUTIVE AUTHORITY, HOD OR DESIGNEE — DATE: 23/03/2026

Data Capturing

Captured By: _____ Captured On _____ Signature _____

Checked By: _____ Checked On: _____ Signature _____

STATE ATTORNEY
HUMAN RESOURCES
23 MAR 2026
PRIVATE BAG X91
PRETORIA 0001
STAATSPROKUREUR

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THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case No: 86/2026

HC Case No: 2025-107022

In the matter between:

NATIONAL EMPLOYERS' ASSOCIATION OF SOUTH AFRICA	First Applicant
SAKELIGA NPC	Second Applicant

and

MINISTER OF EMPLOYMENT AND LABOUR	First Respondent
DIRECTOR-GENERAL OF THE DEPARTMENT OF EMPLOYMENT AND LABOUR	Second Respondent
COMMISSION FOR EMPLOYMENT EQUITY	Third Respondent

Confirmatory affidavit

I, the undersigned,

VULEDZANI MULAUDZI

do hereby declare on oath and state as follows:

VM
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1.

1.1 I am an adult male in full employment with the Office of the State Attorneys, Pretoria. I am employed as an Assistant Attorney at the State Attorneys' Office, located at 316 Thabo Sehume Street, Pretoria.

1.2 The facts deposed to in this affidavit are, unless otherwise stated or the contrary appears from the context, within my personal knowledge and I verily believe are both true and correct.

1.3 I read the Answering Affidavit of **Ntsoaki Mamashela**, and I confirm the allegation or averments as far as they relate to me.

VULEDZANI MULAUDZI

THUS SIGNED AND SWORN TO BEFORE ME AT Sunnyside SAPS **ON THIS THE** 30 **DAY OF** April, **BY THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH AND HE CONSIDERS THE PRESCRIBED OATH TO BE BINDING ON HIS CONSCIENCE.**

"I SWEAR THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE, SO HELP ME GOD".

NM

KIF

COMMISSIONER OF OATHS

FULL NAMES : Rivonia Mukwana
DESIGNATION/RANK : Constable
PHYSICAL ADDRESS : 466 Leyds Street, Sunnyside

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
2026 -04- 30
SUNNYSIDE
SOUTH AFRICAN POLICE SERVICE

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K.F