IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 2025-107022

In the matter between:

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

And

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

FILING SHEET

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1. **Documents Filed:** **Rule 53(1)(b) Records**

SIGNED at **PRETORIA** on the 27th day of **MAY 2026.**

_____sgd_____

RESPONDENTS' ATTORNEY
STATE ATTORNEY PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRIVATE BAG X 91
PRETORIA, 0001
Ref: **2529/2025/Z54/SM**
Tel: (012) 309-1510
Dx: 298 PRETORIA
Enq: **MR V. MULAUDZI**
Email: VuMulaudzi@justice.gov.za

TO: THE REGISTRAR OF THE HIGH COURT
PRETORIA

AND
TO: **APPLICANT'S ATTORNEYS**
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3RD FLOOR, HB FORUM BUILDING
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REF: R Eloff/DE/QB1463

COPY RECEIVED:

DATE:

TIME:

_____
APPLICANT'S ATTORNEYS

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SCHEDULE

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

EMPLOYMENT EQUITY SECTOR TARGETS CONSULTATION 2025 SCHEDULE

NO	SECTOR	DATE OF ENGAGEMENT	TIME OF ENGAGEMENT	INVITEES
1	FINANCIAL AND INSURANCE ACTIVITIES	TUESDAY, 11 FEB 2025	09:00 – 10:00	CEOs, EE MANAGERS THROUGH EE SYSTEM DATABASE & OTHER ASSOCIATIONS ENGAGED WITH PREVIOUSLY REPRESENTING EMPLOYERS
2	MINING AND QUARRYING		10:30 – 11:30	
3	ADMIN & SUPORT ACTIVITIES		12:00 – 13:00	
4	ACCOMMODATION AND FOOD SERVICES ACTIVITIES	WEDNESDAY, 12 FEB 2025	09:00 – 10:00	
5	EDUCATION		10:30 – 11:30	
6	CONSTRUCTION		12:00 – 13:00	
7	AGRICULTURE, FORESTRY & FISHING	THURSDAY, 13 FEB 2025	09:00 – 10:00	
8	INFORMATION & COMMUNICATION		10:30 – 11:30	
9	TRANSPORTATION		12:00 – 13:00	
10	REAL ESTATE ACTIVITIES	FRIDAY, 14 FEB 2025	09:00 – 10:00	
11	WHOLESALE & RETAIL TRADE;REPAIR OF MOTOR		10:30 – 11:30	
12	ELCTRICITY & GAS, STEAM AND AIR CONDITIONING SUPPLY		12:00 – 13:00	
13	PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES	MONDAY, 17 FEB 2025	09:00 – 10:00	
14	ARTS, ENTERTAINMENT AND RECREATION		10:30 – 11:30	
15	HUMAN HEALTH AND SOCIAL WORK ACTIVITIES		12:00 – 13:00	
16	WATER SUPPLY, SEWERAGE,WASTE MANAGEMENT	TUESDAY, 18 FEB 2025	09:00 – 10:00	
17	PUBLIC ADMINISTRATION AND DEFENCE		10:30 – 11:30	
18	MANUFACTURING	WEDNESDAY, 19 FEB 2025	09:00 – 10:30	

INVITATIONS LETTERS

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

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Merriam Madupo
Tel: 012 309 4778

To: Chief Executive Officers & Senior EE Managers
Sector: Accommodation and Food Services Activities

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Accommodation and Food Services Activities Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Wednesday, 12 February 2025
Time: 09h00 – 10h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.
Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Please note that the link will be sent to you upon confirmation on Monday, 13 January 2025.

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2024.12.13 10:51:32 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Admin & Support Activities

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Admin & Support Activities Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Tuesday, 11 February 2025
Time: 12h00 – 13h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

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Date: 2024.12.13 10:50:09 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Merriam Madupo
Tel: 012 309 4778

To: Chief Executive Officers & Senior EE Managers
Sector: Agriculture, Forestry & Fishing

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Agriculture, Forestry & Fishing Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Thursday, 13 February 2025
Time: 09h00 – 10h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2024.12.13 10:48:39 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Arts, Entertainment and Recreation

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Arts, Entertainment and Recreation Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Monday, 17 February 2025
Time: 10h30 – 11h30
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2024.12.13 10:47:20 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

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

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Merriam Madupo
Tel: 012 309 4778

To: Chief Executive Officers & Senior EE Managers
Sector: Construction

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Construction Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Wednesday, 12 February 2025
Time: 12h00 – 13h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

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Date: 2024.12.13 10:46:01 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Merriam Madupo
Tel: 012 309 4778

To: Chief Executive Officers & Senior EE Managers
Sector: Education

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Education Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Wednesday, 12 February 2025
Time: 10h30 – 11h30
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Merriam Madupo
Tel: 012 309 4778

To: Chief Executive Officers & Senior EE Managers
Sector: Electricity & Gas, Steam and Air Conditioning Supply

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Electricity & Gas, Steam and Air Conditioning Supply Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Friday, 14 February 2025
Time: 12h00 – 13h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Financial and Insurance Activities Sector

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Financial and Insurance Activities Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Tuesday, 11 February 2025
Time: 09h00 – 10h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

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NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour
Department:
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REPUBLIC OF SOUTH AFRICA

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Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Merriam Madupo
Tel: 012 309 4778

To: Chief Executive Officers & Senior EE Managers
Sector: Human Health and Social work Activities

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Published proclamation notice of the commencement of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act) on 1 January 2025 has reference.

In accordance with Section 15A(2) of the EE Amendment Act, which mandates the setting of numerical sector targets to address the under-representation of designated groups of the workforce in the workplace, the Commission for Employment Equity jointly with the Department of Employment & Labour would like to convene a virtual consultation meeting with your sector.

The purpose of the meeting is to discuss the proposed sector numerical EE targets for the Human Health and Social work Activities Sector before publishing the final sector EE targets for implementation.

The details of the virtual consultation meeting are as follows:
Date: Monday, 17 February 2025
Time: 12h00 – 13h00
Platform: Microsoft Teams

Your participation is crucial to ensure the successful implementation of these legislative requirements.

Please note that the link will be sent to you upon confirmation of your attendance to merriam.madupo@labour.gov.za by Monday, 13 January 2025 as follows:

- Name and Surname: ----------
- Name of sector: ----------

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

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Date: 2024.12.12 15:32:29 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

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

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Information & Communication Sector

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Information & Communication sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Thursday, 13 February 2025
Time: 10h30 – 11h30
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

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Date: 2025.01.15 15:29:53 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

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

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Manufacturing Sector

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Manufacturing sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Wednesday, 19 February 2025
Time: 09h00 – 10h30
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely
Ntsoaki Mamashela
Digitally signed by Ntsoaki Mamashela
Date: 2025.01.15 15:30:33 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Mining and Quarrying Sector

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Mining and Quarrying Sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Tuesday, 11 February 2025
Time: 10h30 – 11h30
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2025.01.15 15:31:14 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Professional, Scientific and Technical Activities

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Professional, Scientific and Technical Activities Sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Monday, 17 February 2025
Time: 09h00 – 10h00
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Yours sincerely

Ntsoaki Mamashela

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Date: 2025.01.15 15:31:52 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

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

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Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Public Administration and Defence, Compulsory Social Security

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Public Administration and Defence, Compulsory Social Security Sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Tuesday, 18 February 2025
Time: 10h30 – 11h30
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely
Ntsoaki Mamashela
Digitally signed by Ntsoaki Mamashela
Date: 2025.01.15 15:32:48 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baart Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Real Estate activities

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Real Estate Activities Sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Friday, 14 February 2025
Time: 09h00 – 10h00
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely
Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2025.01.15 15:33:29 +02'00'

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Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Transportation and Storage Sector

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Transportation and Storage sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Thursday, 13 February 2025
Time: 12h00 – 13h00
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2025.01.15 15:34:13 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

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REPUBLIC OF SOUTH AFRICA

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Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Water Supply, Sewerage, Waste Management and Remediation Activities

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Water Supply, Sewerage, Waste Management and Remediation Activities Sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Tuesday, 18 February 2025
Time: 09h00 – 10h00
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

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Date: 2025.01.15 15:34:57 +02'00'

NTSOAKI MAMASHELA (MRS)
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Department:
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Tel: 012 309 4040 Fax: (012) 309 4739

Enq: Masilo Lefika
Tel: 012 309 4214

To: Chief Executive Officers & Senior EE Managers
Sector: Wholesale & Retail Trade; Repair of Motor vehicles and Motorcycles

Dear Stakeholders

INVITATION TO VIRTUAL CONSULTATION MEETING ON NUMERICAL SECTOR TARGETS IN TERMS OF SECTION 15A (2) OF THE EMPLOYMENT EQUITY AMENDMENT ACT, NO.4 OF 2022

Our invitation letter for the virtual consultation meeting on the numerical sector targets signed on 19 December 2024 has reference.

Kindly note that paragraph three (3) of the invitation letter should read as follows:

"The purpose of the meeting is to discuss the proposed sector numerical EE targets for the **Wholesale & Retail Trade; Repair of Motor vehicles and Motorcycles Sector** before publishing the final sector EE targets for implementation."

The details of the virtual consultation meeting are as follows:
Date: Friday, 14 February 2025
Time: 10h30 – 11h30
Platform: Microsoft Teams

Our apology for the error committed and please note that for the stakeholders that have not yet confirmed attendance, the due date for confirmation is extended to Thursday, 23 January 2025.

Please note the meeting link will be upon receipt of the confirmation of attendance.

Your cooperation will be highly appreciated.

Yours sincerely

Ntsoaki Mamashela

Digitally signed by Ntsoaki Mamashela
Date: 2025.01.15 15:35:42 +02'00'

NTSOAKI MAMASHELA (MRS)
DIRECTOR: EMPLOYMENT EQUITY

AGENGAS

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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN ACCOMODATION ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Wednesday, 12 February 2025
VENUE : Virtual Microsoft teams
TIME : 09h00 – 10h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
09H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE REAL ESTATE ACTIVITIES SECTOR	CEE/ DEL
09H30 – 09H45	DISCUSSIONS	ALL
09H45 – 09H55	WAY FORWARD	CEE/DEL
09H55 – 10H00	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE ADMINI AND SUPPORT ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 11 February 2025
VENUE : Virtual Microsoft teams
TIME : 12h00 – 13h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
12H00 – 12H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
12H05 – 12H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE ADMINI AND SUPPORT ACTIVITIES SECTOR	CEE/ DEL
12H30 – 12H45	DISCUSSIONS	ALL
12H45 – 12H55	WAY FORWARD	CEE/DEL
12H55 – 13H00	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
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Tel: 012 309 4040 Fax: (012) 309 4739

AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE AGRICULTURE FORESTRY & FISHING SECTOR FOR IMPLEMENTATION

DATE : Thursday, 13 February 2025
VENUE : Virtual Microsoft teams
TIME : 09H00 – 10H00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
09H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE AGRICULTURE FORESTRY & FISHING SECTOR	CEE/ DEL
09H30 – 09H50	DISCUSSIONS	ALL
09H50 – 09H55	WAY FORWARD	CEE/DEL
09H55 – 10H00	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN ARTS, ENTERTAINMENT AND RECREATION ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Monday, 17 February 2025
VENUE : Virtual Microsoft teams
TIME : 10h30 – 11h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
10H30 – 10H35	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
10H35 – 10H55	PRESENTATION ON THE EE SECTOR TARGETS IN THE REAL ESTATE ACTIVITIES SECTOR	CEE/ DEL
10H55 – 11H15	DISCUSSIONS	ALL
11H15 – 11H25	WAY FORWARD	CEE/DEL
11H25 – 11H30	CLOSURE	CHAIRPERSON

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

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE CONTRUCTION SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 12 February 2025
VENUE : Virtual Microsoft teams
TIME : 12h00 – 13h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
12H00 – 12H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
12H05 – 12H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE CONTSRUCTION SECTOR	CEE/ DEL
12H30 – 12H45	DISCUSSIONS	ALL
12H45 – 12H55	WAY FORWARD	CEE/DEL
12H55 – 13H00	CLOSURE	CHAIRPERSON

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

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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE EDUCATION ECTOR FOR IMPLEMENTATION

DATE : Wednesday, 12 February 2025
VENUE : Virtual Microsoft teams
TIME : 10h30 – 11h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
10H30 – 10H35	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
10H35 – 10H55	PRESENTATION ON THE EE SECTOR TARGETS IN THE EDUCATION SECTOR	CEE/ DEL
10H55 – 11H15	DISCUSSIONS	ALL
11H15 – 11H25	WAY FORWARD	CEE/DEL
11H25 – 11H30	CLOSURE	CHAIRPERSON

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

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE ELECTRICITY AND GAS, STEAM AND AIR CONDITIONING SUPPLY SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 14 February 2025
VENUE : Virtual Microsoft teams
TIME : 12h00 – 13h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
1. 100 – 12H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
12H05 – 12H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE ELECTRICITY AND GAS, STEAM AND AIR CONDITIONING SUPPLY SECTOR	CEE/ DEL
12H30 – 12H45	DISCUSSIONS	ALL
12H45 – 12H55	WAY FORWARD	CEE/DEL
12H55 – 13H00	CLOSURE	CHAIRPERSON

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

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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE FINANCIAL AND INSURANCE ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 11 February 2025
VENUE : Virtual Microsoft teams
TIME : 09h00 – 10h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
09H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE FINANCIAL & INSURANCE SECTOR	CEE/ DoE & L
09H30 – 09H50	DISCUSSIONS	CEE/ DoE & L/ SECTOR
09H50 – 09H55	WAY FORWARD	CEE/ DoE & L/ SECTOR
09H55 – 10H00	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE HUMAN HEALTH AND SOCIAL WORK ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : **Monday, 17 February 2025**
VENUE : **Virtual Microsoft teams**
TIME : **12h00 – 13h00**

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
1..100 – 12H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
12H05 – 12H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE HUMAN HEALTH AND SOCIAL WORK ACTIVITIES SECTOR	CEE/ DEL
12H30 – 12H45	DISCUSSIONS	ALL
12H45 – 12H55	WAY FORWARD	CEE/DEL
..2H55 – 13H00	CLOSURE	CHAIRPERSON

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

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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE INFORMATION & COMMUNICATION SECTOR FOR IMPLEMENTATION

DATE : Thursday,13 February 2025
VENUE : Virtual Microsoft teams
TIME : 10h30 – 11h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
10H30 – 10H35	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
10H35 – 10H55	PRESENTATION ON THE EE SECTOR TARGETS IN THE INFORMATION & COMMUNICATION SECTOR	CEE/ DEL
10H55 – 11H15	DISCUSSIONS	ALL
11H15 – 11H25	WAY FORWARD	CEE/DEL
11H25 – 11H30	CLOSURE	CHAIRPERSON

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

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE MANUFACTURING SECTOR FOR IMPLEMENTATION

DATE : Wednesday, 19 February 2025
VENUE : Virtual Microsoft teams
TIME : 09h00 – 10h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
09H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE MANUFACTURING SECTOR	CEE/ DEL
09H30 – 09H45	DISCUSSIONS	ALL
09H45 – 09H55	WAY FORWARD	CEE/DEL
09H55 – 10H30	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
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Tel: 012 309 4040 Fax: (012) 309 4739

AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE MINING AND QUARRYING SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 11 February 2025
VENUE : Virtual Microsoft teams
TIME : 10h30 – 11h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
..H30 – 10H35	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
10H35 – 10H55	PRESENTATION ON THE EE SECTOR TARGETS IN THE MINING AND QUARRYING SECTOR	CEE/ DEL
10H55 – 11H15	DISCUSSIONS	ALL
11H15 – 11H25	WAY FORWARD	CEE/DEL
11H25 – 11H30	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE PROFFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : **Monday, 17 February 2025**
VENUE : **Virtual Microsoft teams**
TIME : **09h00 – 10h00**

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES SECTOR	CEE/ DEL
09H30 – 09H45	DISCUSSIONS	ALL
09H45 – 09H55	WAY FORWARD	CEE/DEL
9H55 – 10H00	CLOSURE	CHAIRPERSON

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

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE PUBLIC ADMINISTRATION AND DEFENCE SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 18 February 2025
VENUE : Virtual Microsoft teams
TIME : 10h30 – 11h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
10H30 – 10H35	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
10H35 – 10H55	PRESENTATION ON THE EE SECTOR TARGETS IN PUBLIC ADMINISTRATION AND DEFENCE SECTOR	CEE/ DEL
10H55 – 11H15	DISCUSSIONS	ALL
11H15 – 11H25	WAY FORWARD	CEE/DEL
11H25 – 11H30	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE REAL ESTATE ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Friday, 14 February 2025
VENUE : Virtual Microsoft teams
TIME : 09h00 – 10h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
09H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE REAL ESTATE ACTIVITIES SECTOR	CEE/ DEL
09H30 – 09H45	DISCUSSIONS	ALL
09H45 – 09H55	WAY FORWARD	CEE/DEL
09H55 – 10H00	CLOSURE	CHAIRPERSON

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

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
Tel: 012 309 4040 Fax: (012) 309 4739

AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE TRANSPORTATION SECTOR FOR IMPLEMENTATION

DATE : Thursday, 13 February 2025
VENUE : Virtual Microsoft teams
TIME : 12h00 – 13h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
12H00 – 12H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
12H05 – 12H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE TRANSPORTATION SECTOR	CEE/ DEL
12H30 – 12H45	DISCUSSIONS	ALL
12H45 – 12H55	WAY FORWARD	CEE/DEL
12H55 – 13H00	CLOSURE	CHAIRPERSON

employment & labour
Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA
Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building, Francis Baard Street, PRETORIA
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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 18 February 2025
VENUE : Virtual Microsoft teams
TIME : 09h00 – 10h00

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
09H00 – 09H05	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
09H05 – 09H30	PRESENTATION ON THE EE SECTOR TARGETS IN THE WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT SECTOR	CEE/ DEL
09H30 – 09H45	DISCUSSIONS	ALL
09H45 – 09H55	WAY FORWARD	CEE/DEL
09H55 – 10H00	CLOSURE	CHAIRPERSON

employment & labour
Department:
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AGENDA

VIRTUAL MEETING TO DISCUSS SECTORS EE TARGETS IN THE WHOLESALE & RETAIL TRADE; REPAIR OF MOTOR SECTOR FOR IMPLEMENTATION

DATE : Friday, 14 February 2025
VENUE : Virtual Microsoft teams
TIME : 10h30 – 11h30

Time	ITEMS FOR DISCUSSION	RESPONSIBLE
10H30 – 10H35	• OPENING & WELCOME • APOLOGIES	CHAIRPERSON – MS NICOLE DEOKIRAM
10H35 – 10H55	PRESENTATION ON THE EE SECTOR TARGETS IN THE WHOLESALE & RETAIL TRADE;REPAIR OF MOTOR SECTOR	CEE/ DEL
10H55 – 11H15	DISCUSSIONS	ALL
11H15 – 11H25	WAY FORWARD	CEE/DEL
11H25 – 11H30	CLOSURE	CHAIRPERSON

PRESENTATIONS

SECTOR TARGETS CONSULTATION
ACCOMMODATION AND FOOD SERVICE ACTIVITIES

12 FEBRAURY
2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);

✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;

✓ Comply with the NMW Act NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failur to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targe regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

- ✓ Insufficient **recruitment opportunities**;
- ✓ Insufficient **promotion opportunities**;
- ✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
- ✓ **CCMA/ Court** Order;
- ✓ **Transfer** of business;
- ✓ **Merger**/ Acquisitions;
- ✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on busines load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DES
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	

Published EE targets in February 2024

ACCOMMODATION AND FOOD SERVICES ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DIS/
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DIS/
PROPOSED TARGET	Male	22.5%	28.0%	33.5%	47.0%	
	Female	22.5%	30.0%	37.5%	41.0%	
	Total	45.0%	58.0%	71.0%	88.0%	

1. ACCOMMODATION AND FOOD SERVICE ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS

		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DI
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DI
PROPOSED TARGET	Male	18.6%	32.2%	38.6%	49.8%	
	Female	38.1%	46.1%	46.1%	46.1%	
	Total	56.7%	78.3%	84.7%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	14.4%	25.1%	30.4%	34.1%	
	Female	36.3%	47.2%	52.7%	56.4%	
	Total	50.7%	72.3%	83.1%	90.5%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	14.6%	25.2%	30.6%	34.1%	
	Female	36.1%	46.9%	52.6%	56.8%	
	Total	50.7%	72.1%	83.2%	90.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	13.4%	25.7%	30.8%	33.8%	
	Female	34.7%	46.9%	50.2%	56.4%	
	Total	48.1%	72.6%	81.0%	90.2%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalize end February 2025;**

b) **Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with th reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; the Regulations on the 5-year sector EE targets) by end March 2025;**

c) **Internal training for capacity building of EE labour inspectors on the EE amendments and Regulations, including the EE System conducted in April 2025;**

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, unions, civil society, academics, HR practitioners, and EE Consultative Forum members conduc all nine provinces to raise awareness and train stakeholders on how to implement the EE amend and practical demonstration on how to utilize the EE System Online facilities to capture EE repor request EE Certificate of Compliance during May and June 2025;

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g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 20 reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION
ADMINISTRATIVE AND SUPPORT ACTIVITIES

11 FEBRAURY
2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	80,0%	9,3%	2,7%	8,0%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.6%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.6%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

ADMINISTRATIVE AND SUPPORT ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	30.0%	38.0%	44.2%	50.4%	2%
	Female	20.0%	27.0%	40.8%	40.8%	
	Total	50.0%	65.0%	85.0%	91.2%	

2. ADMINISTRATIVE AND SUPPORT ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	33.2%	42.3%	49.2%	49.8%	3%
	Female	36.7%	43.5%	46.1%	46.1%	
	Total	69.9%	85.8%	95.3%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	26.5%	35.6%	40.9%	56.1%	1.2%
	Female	33.8%	42.5%	45.9%	38.8%	
	Total	60.3%	78.1%	86.8%	94.9%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	29.2%	37.3%	41.7%	58.7%	1.2%
	Female	34.7%	41.5%	45.6%	38.4%	
	Total	63.9%	78.8%	87.3%	99.1%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	28.3%	37.2%	42.1%	55.7%	0.7%
	Female	33.1%	41.3%	45.3%	39.5%	
	Total	61.4%	78.5%	87.4%	95.2%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

b) Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;

c) Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 September 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to employers; and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You…

SECTOR TARGETS CONSULTATION
AGRICULTURE, FORESTRY

13 FEBRAURY
2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

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✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);

✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;

✓ Comply with the NMW Act NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

- ✓ Insufficient **recruitment opportunities**;
- ✓ Insufficient **promotion opportunities**;
- ✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
- ✓ **CCMA/ Court** Order;
- ✓ **Transfer** of business;
- ✓ **Merger**/ Acquisitions;
- ✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGN
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1
	TOTAL	80,0%	9,3%	2,7%	8,0%	100,0%	95.9
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8

Published EE targets in February 2024

AGRICULTURE, FORESTRY & FISHING - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISAE
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISAE
PROPOSED TARGET	Male	20.0%	25.0%	35.0%	50.4%	
	Female	15.0%	15.0%	25.0%	27.6%	2
	Total	35.0%	40.0%	60.0%	78.0%	

3. AGRICULTURE, FORESTRY - 5-YEAR SECTORAL NUMERICAL TARGETS

		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISA
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISA
PROPOSED TARGET	Male	13.2%	21.6%	34.7%	49.8%	
	Female	20.8%	31.0%	41.7%	44.0%	3
	Total	34.0%	52.6%	76.4%	93.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	9.5%	16.5%	28.3%	47.6%	
	Female	20.3%	28.9%	39.0%	36.0%	0.
	Total	29.8%	45.4%	67.3%	83.6%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	9.2%	17.6%	29.7%	47.0%	
	Female	18.8%	28.0%	38.7%	36.8%	0.
	Total	28.0%	45.6%	68.4%	83.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	9.2%	17.0%	29.2%	47.3%	
	Female	19.8%	28.3%	38.1%	36.7%	0.
	Total	29.0%	45.3%	67.3%	84.0%	

WAY FORWARD

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WAY FORWARD - continued

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Thank You...

SECTOR TARGETS CONSULTATION
ARTS, ENTERTAINMENT AND RECREATION

17 FEBRAURY 2025

Key objectives of EE amendments

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✓ Submit Annual EE Report (EEA2 & EEA4 forms);
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✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

ARTS, ENTERTAINMENT AND RECREATION - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	25.0%	45.0%	50.4%	50.4%	2%
	Female	25.0%	30.0%	40.8%	40.8%	
	Total	50.0%	75.0%	91.2%	91.2%	

4. ARTS, ENTERTAINMENT AND RECREATION - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	35.1%	40.3%	49.8%	49.8%	3%
	Female	33.5%	43.8%	46.1%	46.1%	
	Total	68.6%	84.2%	95.9%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	27.3%	33.1%	42.5%	29.6%	0.4%
	Female	32.4%	42.6%	53.1%	68.9%	
	Total	59.7%	75.7%	95.7%	98.6%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	32.1%	36.3%	42.8%	29.4%	0.4%
	Female	30.5%	40.8%	53.2%	69.3%	
	Total	62.6%	77.2%	96.1%	98.7%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	27.8%	34.1%	43.3%	29.6%	0.4%
	Female	31.8%	40.1%	52.3%	68.9%	
	Total	59.6%	74.2%	95.6%	98.5%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

b) Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;

c) Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

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g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION
CONSTRUCTION

12 FEBRAURY
2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

> **(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.**

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);

✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;

✓ Comply with the NMW Act NMW (previous 12 months);

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- ✓ **Insufficient target individuals from the designated groups** with the relevant qualifications skills and experience;
- ✓ **CCMA/ Court** Order;
- ✓ **Transfer** of business;
- ✓ **Merger**/ Acquisitions;
- ✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on busines load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESI
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	4
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	4
	TOTAL	80,0%	9,3%	2,7%	8,0%	100,0%	9
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	4
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	4
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	9
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	5
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	4
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	9
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	4
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	4
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	9
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	4
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	4
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	9
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	5
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	4
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	9
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	5
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	4
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	9
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	5
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	4
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	9
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	4
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	4
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	9
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	4
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	4
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	9

5. CONSTRUCTION - 5-YEAR SECTORAL NUMERICAL TARGETS

		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DI
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DI
PROPOSED TARGET	Male	30.0%	38.3%	46.7%	49.8%	
	Female	24.8%	27.8%	34.4%	46.1%	
	Total	54.8%	66.2%	81.1%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	27.7%	34.4%	43.8%	60.9%	
	Female	19.9%	25.4%	28.4%	25.8%	
	Total	47.7%	59.8%	72.2%	86.7%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	28.0%	35.3%	44.7%	61.5%	
	Female	20.8%	23.8%	28.4%	26.3%	
	Total	48.8%	59.2%	73.1%	87.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	27.4%	33.1%	43.0%	61.0%	
	Female	19.3%	25.6%	27.9%	25.4%	
	Total	46.7%	58.7%	70.9%	86.4%	

Published EE targets in February 2024

CONSTRUCTION - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DIS/
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DIS/
PROPOSED TARGET	Male	33.0%	40.0%	50.0%	50.4%	
	Female	17.0%	20.0%	25.0%	37.6%	
	Total	50.0%	60.0%	75.0%	88.0%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized end February 2025;

b) Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; a the Regulations on the 5-year sector EE targets) by end March 2025;

c) Internal training for capacity building of EE labour inspectors on the EE amendments and Regulations, including the EE System conducted in April 2025;

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, unions, civil society, academics, HR practitioners, and EE Consultative Forum members conduct all nine provinces to raise awareness and train stakeholders on how to implement the EE amendn and practical demonstration on how to utilize the EE System Online facilities to capture EE report request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and develc new EE plans to align with the EE amendments and the published 5-year sector EE targets (April August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 Septe 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to emplo and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 202 reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION
EDUCATION

12 FEBRAURY
2025

1

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

2

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

3

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

4

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,8%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,8%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.6%
	Female	37,4%	1,2%	1,1%	5,0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46,5%	46.5%
	TOTAL	96,0%	0,1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	48.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

5

Published EE targets in February 2024

EDUCATION- 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	33.0%	31.5%	35.0%	42.0%	2%
	Female	25.0%	29.5%	35.5%	42.5%	
	Total	58.0%	61.0%	70.5%	84.5%	

6

6. EDUCATION - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	27.6%	30.5%	43.0%	49.8%	3%
	Female	46.1%	46.1%	46.1%	46.1%	
	Total	73.7%	76.6%	89.1%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	20.9%	22.7%	27.9%	24.6%	1.1%
	Female	45.9%	51.4%	58.4%	70.7%	
	Total	66.8%	74.1%	86.2%	95.2%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	22.9%	23.5%	28.0%	24.6%	1.1%
	Female	44.8%	50.3%	58.3%	70.7%	
	Total	67.7%	73.8%	86.3%	95.3%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	20.8%	22.3%	29.6%	24.9%	1.0%
	Female	46.7%	51.8%	56.1%	70.2%	
	Total	67.4%	74.1%	85.8%	95.2%	

7

WAY FORWARD

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9

Thank You...

10

SECTOR TARGETS CONSULTATION
ELECTRICITY, GAS STEAM AND AIR CONDITIONING SUPPLYS

14 FEBRAURY 2025

Key objectives of EE amendments

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Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	56.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

ELECTRICITY & GAS - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	28.0%	39.0%	47.0%	50.4%	2%
	Female	22.0%	26.0%	33.0%	37.6%	
	Total	50.0%	65.0%	80.0%	88.0%	

7. ELECTRICITY, GAS STEAM AND AIR CONDITIONING SUPPLY - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	31.7%	42.7%	49.8%	49.8%	3%
	Female	27.9%	39.5%	46.1%	46.1%	
	Total	59.6%	82.2%	95.9%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	24.6%	36.5%	44.5%	53.2%	2.1%
	Female	24.5%	35.0%	39.0%	36.6%	
	Total	49.1%	71.5%	83.5%	89.8%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	28.7%	39.7%	45.3%	53.3%	2.2%
	Female	24.9%	35.5%	39.6%	37.1%	
	Total	53.6%	75.2%	84.9%	90.5%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	24.5%	35.6%	44.1%	51.5%	1.9%
	Female	25.4%	35.0%	37.8%	36.8%	
	Total	49.9%	70.6%	81.9%	88.4%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

b) Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;

c) Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 September 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to employers; and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You…

SECTOR TARGETS CONSULTATION
FINANCIAL AND INSURANCE ACTIVITIES

11 FEBRAURY
2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	80.0%	9.3%	2.7%	8.0%	100.0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84.0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.6%
	Female	44,9%	0,0%	0,0%	1,6%	46,5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in 1 February 2024

FINANCIAL AND INSURANCE ACTIVITIES – 5 YEAR SECTORAL NUMERICAL TARGETS

DESCRIPTION	GENDER	TOP MANAGEMENT DESIGNATED GROUPS	SENIOR MANAGEMENT DESIGNATED GROUPS	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT DESIGNATED GROUPS	SKILLED TECHNICAL DESIGNATED GROUPS	DISABILITY DISABILITY
PROPOSED TARGET	MALE	26.0%	24.0%	30.0%	47.4%	
	FEMALE	20.0%	24.0%	34.0%	40.8%	2.0%
	TOTAL	46.0%	48.0%	64.0%	88.2%	

8. FINANCIAL AND INSURANCE ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	27.8%	31.7%	40.7%	49.5%	3%
	Female	35.3%	45.3%	46.1%	46.1%	
	Total	63.1%	77.0%	86.8%	95.6%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	22.3%	27.1%	32.3%	29.2%	1.6%
	Female	30.8%	42.4%	51.2%	64.6%	
	Total	53.1%	69.5%	83.5%	93.8%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	23.8%	27.7%	32.7%	29.4%	1.6%
	Female	33.3%	42.3%	51.2%	64.6%	
	Total	57.1%	70.0%	83.9%	94.0%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	21.7%	26.3%	31.7%	29.0%	1.4%
	Female	29.3%	42.0%	51.1%	64.5%	
	Total	51.0%	68.3%	82.8%	93.5%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;**

b) **Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;**

c) **Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;**

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 September 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to employers; and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You…

SECTOR TARGETS CONSULTATION
HUMAN HEALTH AND SOCIAL WORK ACTIVITIES

17 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.6%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46,5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	56.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

HUMAN HEALTH AND SOCIAL WORK ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	25.0%	30.0%	50.4%	50.4%	2%
	Female	25.0%	30.0%	40.8%	40.8%	
	Total	50.0%	60.0%	91.2%	91.2%	

9. HUMAN HEALTH AND SOCIAL WORK ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	27.6%	39.8%	49.8%	49.8%	3%
	Female	43.7%	46.1%	46.1%	46.1%	
	Total	71.3%	85.9%	95.9%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	20.9%	23.3%	23.3%	20.5%	1.2%
	Female	42.1%	60.2%	71.1%	77.1%	
	Total	63.0%	83.5%	94.4%	97.6%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	23.6%	24.8%	23.4%	20.6%	1.1%
	Female	41.7%	59.2%	71.1%	77.2%	
	Total	65.3%	84.0%	94.5%	97.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	19.6%	23.8%	23.0%	20.3%	1.1%
	Female	41.0%	59.1%	71.5%	77.3%	
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Thank You…

SECTOR TARGETS CONSULTATION
INFORMATION AND COMMUNICATION

13 FEBRAURY 2025

Key objectives of EE amendments

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Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.6%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

INFORMATION AND COMMUNICATION - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	28.0%	35.0%	40.0%	48.0%	2%
	Female	22.0%	25.0%	30.0%	37.0%	
	Total	50.0%	60.0%	70.0%	85.0%	

10. INFORMATION AND COMMUNICATION - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	25.4%	28.6%	37.9%	46.0%	3%
	Female	31.2%	40.0%	38.9%	45.7%	
	Total	56.6%	68.6%	76.8%	91.7%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	20.5%	24.4%	31.9%	41.1%	1.9%
	Female	28.0%	36.7%	36.1%	40.7%	
	Total	48.5%	61.1%	68.0%	81.8%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	21.4%	25.6%	32.9%	42.0%	1.7%
	Female	29.2%	36.0%	35.9%	40.7%	
	Total	50.6%	61.6%	68.8%	82.7%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	20.2%	24.7%	31.4%	40.6%	1.9%
	Female	27.6%	36.2%	35.4%	40.9%	
	Total	47.8%	60.9%	66.8%	81.5%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

b) Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;

c) Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 September 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to employers; and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION MANUFACTURING

19 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger/** Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.6%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	56.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

MANUFACTURING - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	25.0%	33.0%	37.0%	50.0%	2%
	Female	15.0%	17.0%	25.0%	34.0%	
	Total	40.0%	50.0%	62.0%	84.0%	

11. MANUFACTURING - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	24.1%	32.4%	40.4%	49.8%	3%
	Female	25.0%	33.6%	37.7%	39.6%	
	Total	49.1%	66.0%	78.1%	89.4%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	20.5%	27.6%	35.9%	52.8%	1.7%
	Female	21.7%	31.0%	33.6%	30.5%	
	Total	42.2%	58.6%	69.5%	83.3%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	21.1%	28.4%	36.4%	53.2%	1.7%
	Female	22.0%	30.6%	33.7%	30.6%	
	Total	43.1%	59.0%	70.1%	83.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	19.9%	27.4%	35.0%	51.9%	1.6%
	Female	20.7%	30.2%	33.4%	30.5%	
	Total	40.6%	57.6%	68.4%	82.4%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

b) Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;

c) Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;

SECTOR TARGETS CONSULTATION
MINING AND QUARRYING

11 FEBRAURY
2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

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CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);

✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;

✓ Comply with the NMW Act NMW (previous 12 months);

✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE target regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

- ✓ Insufficient **recruitment opportunities**;
- ✓ Insufficient **promotion opportunities**;
- ✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
- ✓ **CCMA/ Court** Order;
- ✓ **Transfer** of business;
- ✓ **Merger**/ Acquisitions;
- ✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on busines load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIG
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46
	TOTAL	80,0%	9,3%	2,7%	8,0%	100,0%	95
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46
	TOTAL	96,0%	0,1%	0,3%	3,6%	100.0%	98
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92

Published EE targets in February 2024

12. MINING AND QUARRYING - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISA
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISA
PROPOSED TARGET	Male	29.9%	35.0%	41.0%	49.1%	
	Female	20.1%	21.0%	24.0%	25.9%	
	Total	50.0%	56.0%	65.0%	75.0%	

12. MINING AND QUARRYING - 5-YEAR SECTORAL NUMERICAL TARGETS

		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DIS
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DIS
PROPOSED TARGET	Male	33.1%	36.3%	43.2%	49.8%	
	Female	24.4%	28.2%	34.4%	36.9%	
	Total	57.5%	64.5%	77.6%	86.7%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	28.7%	32.3%	39.9%	59.7%	
	Female	21.1%	24.6%	29.3%	22.0%	
	Total	49.8%	56.9%	69.2%	81.7%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	31.1%	33.3%	40.2%	59.9%	
	Female	20.4%	24.2%	29.4%	21.9%	
	Total	51.5%	57.5%	69.6%	81.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	28.3%	31.1%	39.8%	59.1%	
	Female	20.5%	24.0%	28.1%	21.5%	
	Total	48.8%	55.1%	67.9%	80.6%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalized end February 2025;**

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WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, unions, civil society, academics, HR practitioners, and EE Consultative Forum members conduct all nine provinces to raise awareness and train stakeholders on how to implement the EE amendn and practical demonstration on how to utilize the EE System Online facilities to capture EE report request EE Certificate of Compliance during May and June 2025;

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g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 202 reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION
PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES

17 FEBRAURY 2025

Key objectives of EE amendments

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- ✓ Insufficient **promotion opportunities**;
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- ✓ **CCMA/ Court** Order;
- ✓ **Transfer** of business;
- ✓ **Merger**/ Acquisitions;
- ✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIG
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46
	TOTAL	80,0%	9,3%	2,7%	8,0%	100,0%	95
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92

Published EE targets in February 2024

PROFESSIONAL, SCIENTIC AND TECHNICAL - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISAI
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISAI
PROPOSED TARGET	Male	25.0%	27.0%	33.0%	44.4%	
	Female	20.0%	23.0%	32.0%	44.0%	2
	Total	45.0%	50.0%	65.0%	88.0%	

13. PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS

		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DIS
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DIS
PROPOSED TARGET	Male	24.4%	29.9%	35.9%	49.8%	
	Female	38.1%	46.1%	46.1%	46.1%	
	Total	62.5%	76.0%	82.0%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	19.6%	22.8%	27.0%	32.8%	
	Female	34.8%	45.3%	47.9%	56.4%	
	Total	54.4%	68.1%	74.9%	89.2%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	20.4%	24.1%	27.9%	33.8%	
	Female	36.1%	44.9%	47.5%	56.3%	
	Total	56.5%	69.0%	75.4%	90.1%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	19.2%	22.0%	27.1%	32.7%	
	Female	35.5%	43.5%	48.0%	56.0%	
	Total	54.7%	65.5%	75.1%	88.7%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalized end February 2025;**

b) **Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; a the Regulations on the 5-year sector EE targets) by end March 2025;**

c) **Internal training for capacity building of EE labour inspectors on the EE amendments and Regulations, including the EE System conducted in April 2025;**

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, unions, civil society, academics, HR practitioners, and EE Consultative Forum members conduct all nine provinces to raise awareness and train stakeholders on how to implement the EE amendn and practical demonstration on how to utilize the EE System Online facilities to capture EE report request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and devel new EE plans to align with the EE amendments and the published 5-year sector EE targets (Apri August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 Septe 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to emplo and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 20 reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION
PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY

18 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

PUBLIC ADMINISTRATION AND DEFENCE - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	50.4%	50.4%	50.4%	50.4%	2%
	Female	40.8%	40.8%	40.8%	40.8%	
	Total	91.2%	91.2%	91.2%	91.2%	

14. PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	49.8%	49.8%	49.8%	49.8%	3%
	Female	41.9%	46.1%	46.1%	46.1%	
	Total	91.7%	95.9%	95.9%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	52.2%	48.1%	46.8%	57.1%	1.9%
	Female	34.0%	40.5%	41.7%	38.2%	
	Total	86.2%	88.6%	88.5%	95.3%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	53.1%	48.3%	46.8%	57.1%	1.9%
	Female	33.9%	40.4%	41.7%	38.2%	
	Total	87.0%	88.7%	88.5%	95.3%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	51.7%	48.0%	47.2%	57.3%	1.4%
	Female	33.4%	40.5%	40.7%	37.5%	
	Total	85.1%	88.5%	87.9%	94.8%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;**

b) **Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;**

c) **Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;**

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 September 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to employers; and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You…

SECTOR TARGETS CONSULTATION
REAL ESTATE ACTIVITIES

14 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81.0%	8.8%	2.7%	7.5%	100.0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.6%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	56.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

REAL ESTATE - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	25.0%	27.0%	30.0%	33.0%	2%
	Female	20.0%	23.0%	35.0%	37.0%	
	Total	50.0%	50.0%	65.0%	70.0%	

15. REAL ESTATE ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	18.9%	22.9%	32,4%	38.3%	3%
	Female	30.3%	46.1%	46,1%	46.1%	
	Total	49.2%	69.0%	78.5%	84.4%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	14.3%	16.2%	21.5%	27.4%	1.3%
	Female	25.9%	50.2%	54.7%	56.3%	
	Total	40.2%	66.4%	76.2%	83.7%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	14.9%	15.9%	22.4%	28.3%	1.2%
	Female	28.3%	53.0%	55.4%	55.6%	
	Total	43.2%	68.9%	77.8%	83.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	13.2%	18.4%	22.3%	29.1%	1.3%
	Female	27.4%	49.1%	53.3%	55.0%	
	Total	40.6%	67.5%	75.6%	84.1%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

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WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

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g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You…

SECTOR TARGETS CONSULTATION
TRANSPORTATION AND STORAGE

13 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

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✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
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✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47.1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

TRANSPORTATION AND STORAGE - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	30.0%	38.0%	48.0%	50.4%	2%
	Female	20.0%	22.0%	27.0%	37.6%	
	Total	50.0%	60.0%	75.0%	88.0%	

16. TRANSPORTATION AND STORAGE - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	32.2%	42.1%	46.3%	49.8%	3%
	Female	30.0%	35.9%	40.7%	41.4%	
	Total	62.2%	78.0%	87.0%	91.2%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	27.0%	37.4%	41.6%	59.1%	1.6%
	Female	26.7%	33.1%	36.7%	31.1%	
	Total	53.7%	70.5%	78.3%	90.2%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	29.2%	39.1%	42.3%	59.2%	1.6%
	Female	27.0%	31.9%	36.7%	31.4%	
	Total	56.2%	71.0%	79.0%	90.6%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	26.3%	32.2%	42.4%	57.8%	1.6%
	Female	26.6%	34.5%	36.0%	30.9%	
	Total	52.9%	66.7%	78.4%	88.7%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;**

b) **Publication of the two sets of EE Regulations (i.e. the General Administrative Regulations with the EE reporting forms, EE Plan templates, enforcement tools, EE Certificate of Compliance template; and the Regulations on the 5-year sector EE targets) by end March 2025;**

c) **Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;**

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

e) Designated employers embarking on the process of conducting workplace analysis and developing new EE plans to align with the EE amendments and the published 5-year sector EE targets (April – 31 August 2025);

f) 2025 EE Reporting period (i.e. submission of base EE reports (EEA2 & EEA4)) opened on 1 September 2025 until 15 January 2026, including the first issuing of EE Certificate of Compliance to employers; and

g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You...

SECTOR TARGETS CONSULTATION
WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES

18 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

CRITERIA FOR EE COMPLIANCE CERTIFICATE (section 53)

- **Criteria for non-designated employers (1-49 employees):**

✓ Comply with the NMW/ exemption granted not to pay NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

- **Criteria for designated employers (50 or more employees):**

✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
✓ No CCMA Unfair discrimination Award against employers (previous 12 months).

Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81.0%	8.8%	2.7%	7.5%	100.0%	95.9%
Eastern Cape	Male	43.3%	5.7%	0.8%	2.8%	52.6%	49.8%
	Female	39.8%	4.9%	0.3%	2.4%	47.4%	47.4%
	TOTAL	83.1%	10.6%	1.1%	5.2%	100.0%	97.2%
Free State	Male	50.6%	1.6%	0.3%	2.1%	54.6%	52.5%
	Female	41.8%	1.9%	0.0%	1.7%	45.4%	45.4%
	TOTAL	92.4%	3.5%	0.3%	3.8%	100.0%	97.9%
Gauteng	Male	46.6%	1.2%	1.7%	5.8%	55.3%	49.5%
	Female	37.4%	1.2%	1.1%	5.0%	44.7%	44.7%
	TOTAL	84.0%	2.4%	2.8%	10.8%	100.0%	94.2%
KwaZulu-Natal	Male	43.7%	0.6%	4.6%	1.9%	50.8%	48.9%
	Female	43.4%	0.7%	3.5%	1.6%	49.2%	49.2%
	TOTAL	87.1%	1.3%	8.1%	3.5%	100.0%	98.1%
Limpopo	Male	51.1%	0.1%	0.3%	2.0%	53.5%	51.5%
	Female	44.9%	0.0%	0.0%	1.6%	46.5%	46.5%
	TOTAL	96.0%	0.1%	0.3%	3.6%	100.0%	98.0%
Mpumalanga	Male	51.2%	0.3%	0.4%	2.6%	54.5%	51.9%
	Female	43.1%	0.2%	0.2%	2.0%	45.5%	45.5%
	TOTAL	94.3%	0.5%	0.6%	4.6%	100.0%	97.4%
North West	Male	52.7%	1.0%	1.9%	2.9%	58.5%	55.6%
	Female	38.5%	1.0%	0.1%	1.9%	41.5%	41.5%
	TOTAL	91.2%	2.0%	2.0%	4.8%	100.0%	97.1%
Northern Cape	Male	29.9%	18.6%	0.6%	5.3%	54.4%	49.1%
	Female	24.8%	16.9%	0.2%	3.7%	45.6%	45.6%
	TOTAL	54.7%	35.5%	0.8%	9.0%	100.0%	94.7%
Western Cape	Male	22.5%	22.4%	0.8%	7.2%	52.9%	45.7%
	Female	20.7%	19.8%	0.6%	6.0%	47.1%	47.1%
	TOTAL	43.2%	42.2%	1.4%	13.2%	100.0%	92.8%

Published EE targets in February 2024

WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	45.0%	50.0%	50.4%	50.4%	2%
	Female	35.0%	38.0%	40.8%	40.8%	
	Total	80.0%	88.0%	91.2%	91.2%	

17. WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	49.8%	49.8%	49.8%	49.8%	3%
	Female	35.9%	41.0%	46.1%	46.1%	
	Total	85.7%	90.8%	95.9%	95.9%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	47.3%	51.6%	48.8%	51.2%	1.1%
	Female	29.1%	33.7%	42.2%	43.3%	
	Total	76.4%	85.2%	91.0%	94.5%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	52.0%	52.8%	49.0%	51.2%	1.1%
	Female	29.9%	34.0%	42.2%	43.6%	
	Total	81.9%	86.8%	91.2%	94.8%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	45.9%	50.9%	47.4%	51.3%	1.0%
	Female	29.7%	33.3%	42.6%	42.9%	
	Total	75.6%	84.2%	90.0%	94.2%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) **Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;**

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c) **Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;**

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

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Thank You…

SECTOR TARGETS CONSULTATION
WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES

14 FEBRAURY 2025

Key objectives of EE amendments

✓To **reduce the regulatory burden on small business** (those who employ 1-49 employees) – not to be regarded as designated employers from 1 January 2025.

(A total of 29 269 covering 7 699 665 employees reported in 2024, which included 15 687 large employers (i.e. employers with 50 or more employees) covering 7 357 011 employees; and 13 582 small employers (i.e. employers with 1 to 49 employees) covering 342 654 employees.

✓**Empower the Minister to regulate sector specific EE numerical targets** in order to ensure the equitable representation of suitable qualified people from designated groups;

✓**To promulgate section 53 of the EEA for the issuing of the EE Compliance Certificate** as a prerequisite for access to state contracts – doing business with any organ of state.

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✓ No CCMA Unfair discrimination Award against employers (previous 12 months)

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✓ Submit Annual EE Report (EEA2 & EEA4 forms);
✓ Comply with Annual EE Targets towards the 5-year Sector EE Target (or provide Justifiable Reasons) ;
✓ Comply with the NMW Act NMW (previous 12 months);
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Justifiable reasons/ grounds for failure to comply with EE targets

Justifiable reasons/ grounds to be considered for failure to comply with the Annual EE targets – regulation 16 read with EEA15 form in Draft EE Regulations, 2018 (Agreed by NEDLAC social partners):

✓ Insufficient **recruitment opportunities**;
✓ Insufficient **promotion opportunities**;
✓ **Insufficient target individuals from the designated groups** with the relevant qualifications, skills and experience;
✓ **CCMA/ Court** Order;
✓ **Transfer** of business;
✓ **Merger**/ Acquisitions;
✓ **Impact on business economic circumstances**, e.g. impact of COVID pandemic on business, load- shedding, etc.

EAP		AFRICAN	COLOURED	INDIAN	WHITE	TOTAL	DESIGNATED
NATIONAL	Male	43.5%	4.6%	1.7%	4.1%	53.9%	49.8%
	Female	37.5%	4.2%	1.0%	3.4%	46.1%	46.1%
	TOTAL	81,0%	8,8%	2,7%	7.5%	100,0%	95.9%
Eastern Cape	Male	43,3%	5,7%	0,8%	2,8%	52,6%	49.8%
	Female	39,8%	4,9%	0,3%	2,4%	47,4%	47.4%
	TOTAL	83,1%	10,6%	1,1%	5,2%	100.0%	97.2%
Free State	Male	50,6%	1,6%	0,3%	2,1%	54,6%	52.5%
	Female	41,8%	1,9%	0,0%	1,7%	45,4%	45.4%
	TOTAL	92,4%	3,5%	0,3%	3,8%	100.0%	97.9%
Gauteng	Male	46,6%	1,2%	1,7%	5,8%	55,3%	49.5%
	Female	37,4%	1,2%	1,1%	5.0%	44,7%	44.7%
	TOTAL	84,0%	2,4%	2,8%	10,8%	100.0%	94.2%
KwaZulu-Natal	Male	43,7%	0,6%	4,6%	1,9%	50,8%	48.9%
	Female	43,4%	0,7%	3,5%	1,6%	49,2%	49.2%
	TOTAL	87,1%	1,3%	8,1%	3,5%	100.0%	98.1%
Limpopo	Male	51,1%	0,1%	0,3%	2,0%	53,5%	51.5%
	Female	44,9%	0,0%	0,0%	1,6%	46.5%	46.5%
	TOTAL	96,0%	0.1%	0,3%	3,6%	100.0%	98.0%
Mpumalanga	Male	51,2%	0,3%	0,4%	2,6%	54,5%	51.9%
	Female	43,1%	0,2%	0,2%	2,0%	45,5%	45.5%
	TOTAL	94,3%	0,5%	0,6%	4,6%	100.0%	97.4%
North West	Male	52,7%	1,0%	1,9%	2,9%	58,5%	55.6%
	Female	38,5%	1,0%	0,1%	1,9%	41,5%	41.5%
	TOTAL	91,2%	2,0%	2,0%	4,8%	100.0%	97.1%
Northern Cape	Male	29,9%	18,6%	0,6%	5,3%	54,4%	49.1%
	Female	24,8%	16,9%	0,2%	3,7%	45,6%	45.6%
	TOTAL	54,7%	35,5%	0,8%	9,0%	100.0%	94.7%
Western Cape	Male	22,5%	22,4%	0,8%	7,2%	52,9%	45.7%
	Female	20,7%	19,8%	0,6%	6,0%	47,1%	47.1%
	TOTAL	43,2%	42,2%	1,4%	13,2%	100.0%	92.8%

Published EE targets in February 2024

WHOLESALE & RETAIL TRADE - 5-YEAR SECTORAL NUMERICAL TARGET						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	25.0%	33.0%	37.0%	47.2%	2%
	Female	15.0%	23.0%	38.0%	40.8%	
	Total	40.0%	56.0%	75.0%	88.0%	

18. WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES - 5-YEAR SECTORAL NUMERICAL TARGETS						
		TOP MANAGEMENT	SENIOR MANAGEMENT	PROFESSIONALLY QUALIFIED & MIDDLE MANAGEMENT	SKILLED TECHNICAL	DISABILITY
DESCRIPTION	GENDER	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DESIGNATED GROUPS	DISABILITY
PROPOSED TARGET	Male	24.2%	35.0%	42.2%	48.1%	3%
	Female	27.5%	38.6%	46.1%	46.1%	
	Total	51.7%	73.6%	88.3%	94.2%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2024	Male	21.6%	30.0%	35.0%	39.2%	1.1%
	Female	24.6%	36.1%	44.5%	50.0%	
	Total	46.2%	66.1%	79.5%	89.2%	
WORKFORCE PROFILE (DESIGNATED EMPLOYERS WITH 50 PLUS EMPLOYEES) - 2024	Male	21.2%	31.0%	35.6%	39.1%	1%
	Female	24.5%	35.6%	44.7%	51.0%	
	Total	45.7%	66.6%	80.3%	90.1%	
WORKFORCE PROFILE (ALL DESIGNATED EMPLOYERS) - 2023	Male	20.9%	29.6%	33.9%	39.3%	1.1%
	Female	24.2%	35.8%	44.3%	49.4%	
	Total	45.1%	65.4%	78.2%	88.7%	

WAY FORWARD

Implementation process of the EE Amendment Act, 2022 and its EE Regulations will take place in different phases as follows:

a) Sector stakeholder consultations on the final sector EE targets will be conducted and finalized by end February 2025;

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c) Internal training for capacity building of EE labour inspectors on the EE amendments and EE Regulations, including the EE System conducted in April 2025;

WAY FORWARD - continued

2025 National EE workshops/ roadshows with employers, employers' organisations, employees, trade unions, civil society, academics, HR practitioners, and EE Consultative Forum members conducted in all nine provinces to raise awareness and train stakeholders on how to implement the EE amendments and practical demonstration on how to utilize the EE System Online facilities to capture EE reports and request EE Certificate of Compliance during May and June 2025;

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g) 1st Assessment of Annual EE targets towards achievement of 5-year sector EE targets from 2026 EE reporting period (i.e. 1 September 2026 until 15 January 2027).

Thank You…

SUMMARISED MINUTES

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

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE ACCOMMODATION AND FOOD SERVICES ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE: 12 February 2025
VENUE: virtual Microsoft Teams
TIME: 09h00-10h00

ITEM FOR DISCUSSION
• **OPENING AND WELCOME:** Ms. Chairperson: Nicole Deokiram opened and welcomed stakeholders and also highlights the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE ACCOMOSATION AND FOOD SERVICES ACTIVITIES SECTOR** MR MASILO LEFIKA
• **ATTENDANCE** Attendance was good based on the number of attendees in the Accommodation Sector 205
• **WAY FORWARD** The Accommodation Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 21 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE ADMIN & SUPPORT SECTOR FOR IMPLEMENTATION

DATE: **11 February 2025**
VENUE: **virtual Microsoft Teams**
TIME: **12h00-13h00**

ITEM FOR DISCUSSION
• **OPENING AND WELCOME:** • Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE ADMIN & SUPPORT SECTOR** MR NIRESH SIGN
• **ATTENDANCE** Attendance was good based on the number of attendees in the Admin and support Sector 190
• **WAY FORWARD** The Admin and Support Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 21 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE AGRICULTURE, FORESTRY & FISHING SECTOR FOR IMPLEMENTATION

DATE: **13 February 2025**
VENUE: **virtual Microsoft Teams**
TIME: **09h00-10h00**

ITEM FOR DISCUSSION

- **OPENING AND WELCOME:**
- Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.

- **PRESENTATION ON THE EE SECTOR TARGETS IN THE AGRICULTURE SECTOR**

MS. CHRISTINA LEHLOKOA

- **ATTENDANCE**

Attendance was good based on the number of attendees in the Agriculture Sector 406

- **WAY FORWARD**

The Agriculture Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 21 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE ARTS, ENTERTAINMENT AND RECREATION SECTOR FOR IMPLEMENTATION

DATE: 17 February 2025
VENUE: virtual Microsoft Teams
TIME: 10h30-11h30

ITEM FOR DISCUSSION

- **OPENING AND WELCOME:**

Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.

- **PRESENTATION ON THE EE SECTOR TARGETS IN THE ARTS, ENTERTAIMENT AND RECREATION SECTOR**

MS. NIRESH SINGH

- **ATTENDANCE**

Attendance was good based on the number of attendees in the Arts, Entertainment and Recreation and Sector 108

- **WAY FORWARD**

The Arts, Entertainment and Recreation and Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 24 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE CONSTRACTION SECTOR FOR IMPLEMENTATION

DATE: 12 February 2025
VENUE: virtual Microsoft Teams
TIME: 12h00-13h00

ITEM FOR DISCUSSION

- **OPENING AND WELCOME:**
- Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.

- **PRESENTATION ON THE EE SECTOR TARGETS IN THE CONSTACTION SECTOR**

MR. MASILO LEFIKA

- **ATTENDANCE**

Attendance was good based on the number of attendees in the Construction Sector 314

- **WAY FORWARD**

The Construction Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 21 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE EDUCATION SECTOR FOR IMPLEMENTATION

DATE: 12 February 2025
VENUE: virtual Microsoft Teams
TIME: 10h30-11h30

ITEM FOR DISCUSSION
• **OPENING AND WELCOME:** • Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE EDUCATION SECTOR** MR. NIRESH SINGH
• **ATTENDANCE** Attendance was good based on the number of attendees in the Education Sector 135
• **WAY FORWARD** The Education Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 21 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE ELECTRICITY GAS, STEM AND AIR CONDITIONING SECTOR FOR IMPLEMENTATION

DATE: 14 February 2025
VENUE: virtual Microsoft Teams
TIME: 12h00-13h00

ITEM FOR DISCUSSION

- **OPENING AND WELCOME:**
- Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.

- **PRESENTATION ON THE EE SECTOR TARGETS IN THE ELECTRICITY & GAS SECTOR**
  MS. NIRESH SINGH

- **ATTENDANCE**

Attendance was good based on the number of attendees in the Electricity and Gas Sector 59

- **WAY FORWARD**
  The Electricity and Gas Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 24 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE FINANCIAL AND INSUARANCE ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE: **11 February 2025**
VENUE: **virtual Microsoft Teams**
TIME: **09h00-10h00**

ITEM FOR DISCUSSION
• **OPENING AND WELCOME:** • Ms. Chairperson: Nicole Deokarim opened and welcomed stakeholders and also highlights the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE FINANCIAL & INSUARANCE SECTOR** MS MAMASHELA
• **ATTENDANCE** Attendance was good based on the number of attendees in the Financial Sector 503
• **WAY FORWARD** The Financial Sector was given the mandate to go and consult further with their members in their sector and provide feedback by 21 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR TARGETS IN THE HUMAN HEALTH AND SOCIAL WORK ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE: **17 February 2025**
VENUE: **virtual Microsoft Teams**
TIME: **12h30-13h30**

ITEM FOR DISCUSSION

- **OPENING AND WELCOME:**
- Ms. Chairperson: Ntsoaki Mamashela opened and welcomed stakeholders and also highlights the purpose of the engagement.

- **PRESENTATION ON THE EE SECTOR TARGETS IN THE HUMAN HEALTH AND SOCIAL WORK ACTIVITIES SECTOR**

  MS. NIRESH SINGH

- **ATTENDANCE**

Attendance was good based on the number of attendees in the Human Health and social work Activities Sector 292

- **WAY FORWARD**

The Human Health and Social work Sector were given the mandate to go and consult further with their members in their sector and provide feedback by 24 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN THE WHOLESALE & RETAIL TRADE; REPAIR OF MOTOR SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 14 February 2025
VENUE : Virtual Microsoft teams
TIME : 10:h30 – 11h30

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Ms Nicole Deokiram opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE WHOLESALE& RETAIL TRADE; REPAIR OF MOTOR SECTOR** Ms Mamashela
• **ATTENDANCE** Attendance was good based on the number of attendees in the Wholesale & Retail Trade; Repair of Motor Sector 533
• **WAY FORWARD** The Wholesale & Retail Trade; Repair of Motor was given a mandate to go and consulte further with their

members in their sector and provide feedback by 26 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN THE WATER SUPPLY,SEWERAGE,WASTE MANAGEMENT SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 18 February 2025
VENUE : Virtual Microsoft teams
TIME : 09:h00 – 10h00

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Ms Mamashela opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE WATER SUPPLY, SEWERAGE , WASTE MANAGEMENT SECTOR** Mr. Jullian Mohale
• **ATTENDANCE** Attendance was good based on the number of attendees in the Water Supply, Sewerage, Waste Management Sector 95
• **WAY FORWARD** The Water Supply, Sewerage, Waste Management Sector was given a mandate to go and consulte further

with their members in their sector and provide feedback by 24 February 2023.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN THE TRANSPORTATION SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 13 February 2025
VENUE : Virtual Microsoft teams
TIME : 12:h00 – 13h00

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Mr Niresh Singh opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE TRANPORTATION SECTOR** Ms Masilo Lefika
• **ATTENDANCE** Attendance was good based on the number of attendees in the Transportation Sector 429
• **WAY FORWARD** The Transportation Sector was given a mandate to go and consulte further with their members in their sector and provide feedback by 26 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN REAL ESTATE ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 14 February 2025
VENUE : Virtual Microsoft teams
TIME : 09:h00 – 10h00

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Ms Nicole Deokiram opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE REAL ESTATE ACTIVITIES SECTOR** Mr. Niresh Singh
• **ATTENDANCE** Attendance was good based on the number of attendees in the Real Estate Activities Sector 175
• **WAY FORWARD** The Real Estate Activities was given a mandate to go and consulte further with their members in their sector and provide feedback by 26 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN THE PUBLIC ADMINISTRATION AND DEFENCE SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 18 February 2025
VENUE : Virtual Microsoft teams
TIME : 10:h30 – 11h30

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Ms Mamashela opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE PUBLIC ADMINISTRATION AND DEFENCE SECTOR** Mr. Robert
• **ATTENDANCE** Attendance was good based on the number of attendees in the Public Administration and Defence Sector 434
• **WAY FORWARD** The Public Administration and Defence sector was given a mandate to go and consulte further with their members in their sector and provide feedback by 24 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN THE PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 17 February 2025
VENUE : Virtual Microsoft teams
TIME : 09:h00 – 10h00

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Ms Mamashela opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES SECTOR** Mr. Jullian Mohale
• **ATTENDANCE** Attendance was good based on the number of attendees in the Professional, Scientific and Technical Activities Sector 300
• **WAY FORWARD** The Professional, Scientific and Technical Activities was given a mandate to go and consulte further with their

members in their sector and provide feedback by 24 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN MINING AND QUARRYING SECTOR FOR IMPLEMENTATION

DATE : **Tuesday, 11 February 2025**
VENUE : **Virtual Microsoft teams**
TIME : **10:h30 – 11h30**

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Commissioner Thembi Changonda opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE MINING AND QUARRYING SECTOR** Mr. Niresh Singh
• **ATTENDANCE** Attendance was good based on the number of attendees in the Mining and Quarrying Sector 327
• **WAY FORWARD** The Mining and Quarrying was given a mandate to go and consulte further with their members in their sector and provide feedback by 18 February 2025.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN THE MANUFACTURING SECTOR FOR IMPLEMENTATION

DATE : **Tuesday, 19 February 2025**
VENUE : **Virtual Microsoft teams**
TIME : **09h00 – 10h30**

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Ms Mamashela opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE MANUFACTURING SECTOR** Mr. Niresh Singh
• **ATTENDANCE** Attendance was good based on the number of attendees in the Manufacturing Sector 1107
• **WAY FORWARD** The Financial sector was given a mandate to go and consulte further with their members in their sector and provide feedback by 26 February 2025 DEL will circulate questions and answers template to all the Stakeholders in the Manufacturing Sector.

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MINUTES FOR VIRTUAL MEETING TO DISCUSS SECTOR EE TARGETS IN INFORMATION & COMMUNICATION SECTOR FOR IMPLEMENTATION

DATE : Tuesday, 13 February 2025
VENUE : Virtual Microsoft teams
TIME : 10:h30 – 11h30

ITEMS FOR DISCUSSION
• **OPENING & WELCOME:** Mr. Singh opened the meeting and welcomed stakeholders and also highlighted the purpose of the engagement.
• **PRESENTATION ON THE EE SECTOR TARGETS IN THE INFORMATION & COMMUNICATION SECTOR** Mr. Masilo Lefika
• **ATTENDANCE** Attendance was good based on the number of attendees in the Information & Communication Sector 300
• **WAY FORWARD** The Information & Communication was given a mandate to go and consulte further with their members in their sector and provide feedback by 28 February 2025.

CONSOLIDATED PUBLIC COMMENTS ON EE REGULATIONS SECTOR TARGETS FOR FEBRUARY 2024

MASTER TEMPLATE FOR PUBLIC COMMENTS ON THE EMPLOYMENT EQUITY REGULATIONS ON SECTOR TARGETS (2024)

In terms of Section 15A of the Employment Equity Amendment Act, 2023 the Minister may, after consulting the relevant sectors and with the advice of the Commission for Employment Equity (CEE), set numerical targets for any sector or part of a sector. A draft of any notice that the Minister proposes to issue must be published in a Gazette allowing interested parties at least 30 days to comment.

		PUBLIC COMMENT
NO.	**Name of Organization / Individual**	**ECONOMIC SECTORS (EEA17)**
1.	**AGRICULTURE, FORESTRY & FISHING**	
1.1	**South African Poultry Association (SAPA)**	8.1. SAPA sets out its submissions under the following headings – 8.1.1. Aspects on which SAPA requires clarity in the application of the Draft Sectoral Targets; and 8.1.2. Substantive Submissions on SAPA's members' ability to achieve the Draft Sectoral Targets. 8.2. Aspects on which clarification is sought 8.2.1. In relation to preparing EE Plans in terms of section 20(2) of the EEA, the designated employer is required to considered the following factors in terms of regulation 3.4 of the Draft EE Regulations – 8.2.1.1. The following statement is provided in the Draft EE Regulations in relation to the use of the national or provincial EAP: "3.4.8 The National EAP shall apply to designated employers conducting their business/operations nationally, and the respective Provincial EAP shall apply to designated employers conducting their business/operations in a particular province. Designated employers cannot use the national and provincial demographics (EAP) at the same time. Designated employers must choose only one demographics (i.e. either national or provincial, based on their geographical presence within provinces) and utilise the chosen demographics for the entire duration of the EE Plan that is in line with the relevant 5-year sectoral numerical targets.

		in terms of section 42(1) of the EEA. In terms of section 42(1) of the EEA, employers will be assessed in terms of the representation of people from designated groups in the workforce in relation to both the national and regional (ie provincial) EAP. 8.2.1.9. The following statement is provided in the Draft EE Regulations in relation to the duration of the EE Plan: "3.4.2 Designated employers must take their workplace profile, the relevant 5-year sectoral numerical targets and the applicable EAP into account when setting annual numerical targets in their workplace(s) as required by section 20(2) of the EEA 3.4.3 Designated employers will be measured against the annual targets set towards meeting the relevant 5-year sectoral targets." (own emphasis) 8.2.1.10. SAPA has also noted that section 20(2)(e) of the EEA provides that the duration of the Employment Equity may not be shorter than one (1) year or longer than five (5) years. 8.2.1.11. Having regard to clauses 3.4.2 and 3.4.3 of the Draft EE Regulations, read with section 20(2)(e) of the EEA, SAPA requires clarification regarding whether the EE Plan should, in fact, last for a duration of five (5) years (and not for a lesser period) in circumstances where employers would be measured against annual targets set towards meeting the Draft Sectoral Targets over a period of five (5) years, should they be implemented. 8.2.1.12. The following statements are provided in the Draft EE Regulations in relation to the setting of targets in years one (1) to four (4) of the EE Plan and the measuring of compliance in respect thereof: "3.4.3 Designated employers will be measured against the annual targets set towards meeting the relevant 5-year sectoral numerical targets. ... 3.4.5 Designated employers when determining their Annual EE targets set towards achieving the minimum 5-year sectoral numerical targets, must set numerical targets for all population groups in each of the four occupational levels where they are underrepresented in relation to their respective EAP." 8.2.1.13. The Draft EE Regulations confirm that the Draft Sectoral Targets are for a five-year period and the Draft Sectoral Targets are intended to be the final target. It is unclear how an employer's compliance with the Draft Sectoral Targets, if implemented, will be measured from year one (1) to year four (4) of the EE Plan, in circumstances where the section 20(2A) of the EE Amendment Act will provide that the numerical goals set by an employer in terms of section 20(2) must comply with any sectoral target provided in terms of section 15A that applies to that employer. 8.2.1.14. In addition, SAPA requires clarification as to how annual compliance will be measured in terms of section 53(6) of the EE Amendment Act read with section 53(2) of the EEA, which envisages that the employer must have complied with the sector targets envisaged in section 15A on an annual basis in order for the Minister to issue the certificate of compliance. 8.2.1.15. The following statement is made in the Draft EE Regulations in relation to determining within which economic sector an employer falls for purposes of the Draft Sectoral Targets:

		8.4.2.3. As a starting point, some of SAPA's members' businesses conduct both agricultural and manufacturing activities within the poultry industry. Where SAPA's members are engaged in integrated operations, they will fall within both the Agriculture Sector and Manufacturing Sector. This means that the challenges faced in both the Agriculture Sector and Manufacturing Sector are applicable to certain of SAPA's members. 8.4.2.4. In addition, SAPA's members all operate in a very niche part of both or either of the Agriculture and Manufacturing Sectors, being, in relation to the former, poultry farming and the latter, food processing. This means that, both in respect of their agricultural and commercial (processing) activities, some of SAPA's members engage in very distinct sub-sectors of the respective sectors and do not experience the same or the overarching challenges of other employers in the applicable sectors or the sectors as a whole. 8.4.2.5. This means that the targets applicable to the Agriculture Sector and/or the Manufacturing Sector are impossible of application to SAPA's members' businesses. They are just too generic. 8.4.3. **Skills shortage:** 8.4.3.1. The skills shortages which have been identified by the AgriSETA and FoodBev SETA above demonstrate the skills problem which exists in the poultry sub-sector and Manufacturing Sector. 8.4.3.2. These shall affect SAPA's members' ability to meet the targets across all occupational levels as set out in the Draft Sectoral Targets. 8.4.4. **Availability of graduates and suitably qualified candidates:** 8.4.4.1. SAPA has identified a number of reasons why there are limited skills available in the market for its members – 8.4.4.1.1. Firstly, as mentioned above, there are limited tertiary institutions which provide poultry-specific training and/or training in specialist areas. In relation to specialist skills which are not, on the face of it, only industry specific, some SAPA members require, as examples – 8.4.4.1.1.1. Veterinarians: In this regard, in addition to there being only one (1) university which offers a course to specialise in veterinary science, there is a lack of available graduates to service the poultry industry. Veterinarians are far less likely to elect to specialise in or choose a career in poultry than domestic animals, such as cats and dogs; and 8.4.4.1.1.2. Veterinary Technologists: The Veterinary Technology course is only offered at Tshwane University of Technology in Pretoria, which means this is the only pool of graduates available to not only SAPA's members but any employers operating in a sector which requires a Veterinary Technologist. These roles are in high demand in sectors, such as the Professional, Scientific and Technical Activities Sector and suitably qualified candidates are often poached from SAPA's members to work in the more lucrative pharmaceutical industry; and

		8.4.7.1. Some of SAPA's members have poultry farming operations which are located in rural and/or non-urbanised areas and/or in areas which are not desirable to reside due to infrastructure related issues. 8.4.7.2. It is difficult for SAPA's members to attract suitably qualified persons to these areas, particularly where there is a lack of infrastructure and education for children. 8.4.8. **Non-Cooperation of SETAs:** 8.4.8.1. It is not the private sector's responsibility to ensure the adequate training and upskilling of persons, however the private sector does have a particular role to play, which SAPA's members, as employers, have fulfilled and continue to fulfil through its skills developments efforts. The AgriSETA generates its revenue from skills development levies. The AgriSETA Poultry Report confirms that in the 2021 financial year, there was a total of 1,564 poultry sub-sector entities on the AgriSETA database. However, only 31.1% of these entities contribute to the skills development levy ("SDL"). The AgriSETA Poultry Report notes that the low ratio of poultry entities contributing towards the SDL is placing a burden on existing resources. As a result, the impact will be that the AgriSETA will have less revenue to allocate discretionary grants, resulting in a reduced number of learners and institutions supported. It is evident that SDL contributions are not sufficient to solve the existing challenges in the poultry sub-sector. 8.4.8.2. Despite the private sector's efforts, the limited tertiary education which is provided by both public and private institutions of higher learning will negatively affect the progress of employers in the poultry industry towards the realisation of having more representative workforces. 8.4.9. **Adequacy and available time period for interventions:** 8.4.9.1. The previous FoodBev Sector Skills Plan 2021/2022 reported that the FoodBev SETA plans to have further engagements with the FoodBev Sector that will assist in dealing with the reasons that have been identified as the highest hinderances to addressing the HTFVS. The purpose of the latter is to identify targeted interventions that will assist the FoodBev Sector with the identified reasons for the HTFVS. 8.4.9.2. There is, however, no indication of when such engagements will happen with SAPA's members and how long such interventions will take to be implemented. It is further not certain whether such interventions will be adequate for purposes of ensuring that SAPA's members are in a position to comply with the Draft Sector Targets, if they are implemented. 8.4.9.3. In addition, in relation to the AgriSETA, there has been no tangible impact made to the shortage of skills in the poultry sub-sector. In fact, the AgriSETA cannot guarantee whether its proposed interventions will ensure that there are sufficient suitable candidates for employment in the Agriculture Sector, particularly within the occupational levels which have been incorporated into the Draft Sectoral Targets.

		8.4.26. It is important to state that the Draft Sectoral Targets referred to in the Agriculture Sector and Manufacturing Sector for the designated groups in the four (4) occupational levels have not changed from the previous Draft Sectoral Targets which the Minister published in the Government Gazette on 12 May 2023. 8.4.27. SAPA's members are unlikely to be able to meet the targets for the Skilled occupational level for the reasons below – 8.4.27.1. The skills which are typically required in the poultry industry within this occupational level are: Broiler Farm Managers, Breeder Farm Managers, Hatchery Managers, Pack Station Managers and Services Managers, which are not readily available in the labour market and the measures which are currently in place in the tertiary education sector, through the AgriSETA and FoodBev SETA, do not indicate that the required skills will be available within five (5) years to assist employers to comply with the Draft Sectoral Targets, if implemented. 8.4.27.2. Again, the only practically feasible options which are available to SAPA's members is to increase the representativity of the people from designated groups within their workforce are 8.4.27.2.1. training and promotion of internal employees from the Semi-Skilled occupational level; and 8.4.27.2.2. poaching resources from competitors, which not only comes at a significant price (due to the scarcity of skills), but also does not ensure adequate representation across all the demographic groups.
1.2	**AGRI GROUP**	**CONSULTATION WITH THE AGRICULTURAL SECTOR** The Employment Equity Amendment Bill which was passed in Parliament in April 2023 allows the Minister of Employment and Labour to set sectoral targets for representation of designated groups, per job level, that each designated company in the sector must aim for. Notwithstanding the fact that consultations took place, we are of the view that new draft targets had been published without proper consultation with the role-players within the agricultural sector. The quality inputs from the industry were not taken into account nor even considered. AFGRI, as a business within the agricultural sector, would argue that proper consultation on the draft employment equity targets was not sufficient and the Company would therefore find the targets unrealistically and not achievable within the set time frame of five years. **SKILLS AND QUALIFICATIONS** In reviewing the numerical targets as set out the in the above-mentioned gazette notice, the following observations should be noted: a. The skills and qualifications linked to the draft targets seem to be inconsistent with employees within the agricultural sector; b. The availability of employees from designated groups with the necessary technical and specialised skill set, and relevant qualification as indicated by the draft targets are scarce if not unattainable.

		employees." - - 4 - www.agh.co.za There are no defined sectoral targets for semi-skilled or unskilled employees with the amended regulations requiring companies to apply economically active population (EAP) figures to determine employment equity plan numerical goals for semi-skilled or unskilled employees. Of concern, however, is the fact that some sector targets are now higher than the EAP for middle and junior management in those sectors making it highly unlikely that those targets will be met. In some sectors the five-year sectoral targets require black participation to more than double. In an economy that is regressing rather than growing and where job opportunities are thin on the ground, businesses will find these targets very difficult to achieve. In the construction sector, for example, the sectoral target for professionally qualified Africans is 65,2% within the next five years, up from the current 46,9%. In a flourishing economy in which businesses are growing, companies are able recruit employees in underrepresented groups. However, companies in the construction sector are not growing and without growth they are not in a position to create jobs. In this instance, companies can only replace employees in under-represented groups lost through natural attrition and retirement. Similar to the BEE scorecard, the five-year sectoral target for employees living with a disability is 2%. This figure is not linked to the economically active population.
1.3	**AGBIZ Agricultural Business Chamber**	**CONCERNS ABOUT THE EE AMENDMENT ACT** The sector is concerned about grouping the agriculture-, fisheries-, and forestry sectors together, as well as lumping primary farming with value chain entities like agribusinesses. Consultations showed differing capabilities and needs among these sectors and subsectors. Forestry and Fisheries have different BBBEE sector codes, with forestry even having separate codes for growers and millers due to significant differences. This grouping together is illogical, as fishery communities differ greatly from forestry and agriculture in location and demographic profiles. Additionally, primary agriculture's production-focused employment structure differs significantly from service-oriented companies in the value chain. The draft regulations on proposed sectoral numerical targets come at a challenging time amid economic constraints, an energy crisis, rising inflation, and increased wages and input costs. Many businesses are focused on survival and retaining staff. Agbiz believes the Regulations should distinguish between agribusinesses and primary producers, as their operating models and employment levels vary. Primary producers, often family-owned, have flat organizational structures, making it difficult to change top management percentages. Adding job levels for employment equity might not be financially feasible and could be seen as fronting. Agbiz remains worried that the targets outlined in the recent draft regulations remain excessively high and impossible to achieve. This will divert the focus away from a drive to achieve transformation towards grounds of justification. Several factors contribute to this challenge, as previously noted in our submissions. We maintain that these targets, as currently set, do not effectively advance employment equity objectives; instead, they risk delaying transformation efforts as critical resources will be diverted to proving grounds of justification within the various sectors.

Agribusinesses are typically 'bottom-heavy' with the numbers of employees in lower skilled jobs exponentially more than technically qualified or management level employees. The other trend that is clearly present is that ACI representation dominates the lower job levels (95.3% unskilled) but is lagging very far behind ACI representation at Top (17.3%) and Senior (6.5%) Management levels. The second table shows how unrealistic the targets are within the specified timeframe.

Large commercial farms cultivate thousands of hectares of crops; it is labour intensive and will inevitably help to create jobs on the lower skills levels (where possible) and fever positions on a managerial level are likely to be created as a result of the 4th Industrial revolution and the impact of digitization. There is also a question as to what DoEL used as baseline reference for the proposed targets?

BUSINESS MAY NOT BE ABLE TO ACHIEVE THE CURRENT TARGETS

In the agricultural sector, most head offices and branches of agribusinesses are situated in rural areas and the following conditions contribute to the challenge of attracting and retaining suitable candidates

poor infrastructure (i.e. interrupted water and electricity supply)

- limited or no healthcare services;
- poor conditions of roads;
- lack of suitable schooling facilities for children;
- limited employment opportunities for spouses and
- insufficient housing infrastructure;
- Agri Colleges do not produce suitable candidates.

Recent studies such as the PIRLS showed that 81% of South African fourth graders, in the fourth year of primary school, battle with reading comprehension. This is already evident in the quality of a large number of applicants from previously designated groups. The fact that agriculture is becoming more scientific with maths and science requirements for applications doesn't help either.

With the current economic conditions employers have alluded to the fact that they do not have a high turnover of staff in higher occupational levels and do not foresee a high turnover in the next five years. Skills in the sector are already lacking as most ACI candidates are still building their skills. This is due to the historic nature of the agricultural sector. Employers mentioned that specialists in their businesses, specifically wool & mohair, grain handling, procurement trading; technical field officers etc are very scarce – it is a struggle to recruit even from non-designated groups. It is a medium to long term endeavour to train a commercial agriculturalist and assets worth millions of Rands and cannot be placed at risk due to inexperienced managers.

Without meaningful intervention from the government to tackle these issues, businesses operating in rural areas will continue to encounter significant obstacles in attracting talent to their companies. These challenges, such as poor infrastructure, limited access to essential services, and a lack of suitable facilities, interrupts operations, increase

		THE DEPARTMENT MAY WANT TO CONSIDER THE FOLLOWING: In consideration of compliance a weighting factor for the different occupational levels based on highest weight to the lowest for the occupational levels (top management to unskilled level) should be applied. A weighted average of all role-players (employers) within the sector per occupational level to determine the basis from which the EE target should be set, and it should be the level from which employers are assessed as a minimum, working towards EE five-year sector target. It is suggested that if an employer achieved the EE numerical sector target between 2023-2027 for a specific occupational level, compliance at the respective occupational level must be acknowledged for the full five-year period when issuing a compliance certificate. Additional considerations other than the EE targets, relating to actions taken by employers which relate to the BEE elements and the Skills Act should form part of the justifiable reasons for not achieving the EE target. Training spent on ACI talent fostering for the different occupational levels (record is WSP), because the Employer has contributed to the potential talent pool at the various occupational levels which could benefit other employers. There should be a separate target for family-owned businesses, which should make concessions for top and senior management. The development of new job entrants into the market by implementing NQF 18.2 learnership, apprenticeships and graduates' development programs per occupational levels. For this to happen the AgriSeta service delivery would also need to improve. A percentage target should be set as a guideline per occupational level based on recruitment opportunities per year and or for the five-year period. This is important because an employer can demonstrate that opportunities were used, despite not meeting the EE five-year numerical sector target due to lack of opportunity to change the ACI representation at the various occupational levels. The above additional consideration will incentivize employers to continuously contribute to the upliftment of skills levels within the different occupational levels within the sector, that will overall contribute to the country's improved employee skill levels. In terms of training and development, besides the mandatory grants and discretionary grants that the employer gets from the SETAs, government can partner with the agricultural sector in the upskilling of the workforce to enable swift vertical upward mobility across all occupational levels. There should be focused programmes for the development of the professional skills required on farms to provide potential employers a talent pool to draw from. **Conclusion** We trust that these inputs will assist in crafting final regulations that are fit-for-purpose. We would also welcome an engagement on our inputs should there be a possibility to do so. Kindly also find our previous submissions on proposed sectoral targets attached for background information.
1.4	**PLENNEGY GROUP**	B. Ad Section 3.1.4: The draft regulation state that many submissions during the consultation process' were taken into account in publishing the proposed Sector targets. Not only do we have no indication that our sector was consulted, but there is also no indication

		E. Ad Section 4.2: What does a "nuanced way" mean? This is not defined, nor in a manner that makes it clear to employers what factors are used to measure compliance. Nuanced could mean different things to different people; and referring to both sections 4.3 and 4.4 is not any more instructive to purportedly explain "nuanced". a) Firstly, Section 4.3: Nothing about section 15(4) is "nuanced" in any way. The EEA is quite clear and has always been clear on firstly what constitutes a barrier (see Code of Good Practice on the integration of Employment Equity into Human Resource Policies and Practices), and secondly what an "absolute barrier" means. An absolute barrier has also been interpreted by the courts. It is not clear what is meant by applying this is a 'nuanced' way. Something either constitutes an absolute barrier or not. To establish whether an employment policy or practice constitutes an absolute barrier is an examination of the facts involved is such practice. b) Secondly, Section 4.4: The criteria listed are clear and not: nuanced". It is our submission that the reference to "nuanced" should be deleted, or more defined compliance steps outlined to explain how this will be applied.
1.5	**MASCOR**	B. Ad Section 3.1.4: The draft regulation state that many submissions during the consultation process' were taken into account in publishing the proposed Sector targets. Not only do we have no indication that our sector was consulted, but there is also no indication whatsoever that the submissions were taken into consideration. The Sector Numerical Targets are exactly the same as those published on 12th May 2023, save for some changes to one sector only, viz the Financial Sector. At no stage has the Department of Employment and Labour, nor Statistics South Africa done any analysis of the "Skills Availability" in any industry, let alone ours. No such analysis has ever been done, nor published. It is submitted that benchmarking any sector against the EAP, is not true statistical comparator. Anyone who earns a living in any way whatsoever, is considered "economically active", but on no account is there any indication that such a person has the concomitant skill to be utilised in the Agricultural Sector. It is too broad brush-stroke approach and results in a completely skewed picture, based on false equivalent. It is therefore submitted that not only was no proper consultation process followed, but the many submissions also made were not considered. It is proposed that a fresh process of consultation be embarked on, with an indication of having considered the proposals by our sectors and taken into account the very real skills shortage. C. Ad Section 3.4.5. and 3.4.4: this section states that designated employers must set "numerical targets for all population groups." Benchmarking ourselves against the EAP, necessitates this. This contradicts the sector targets, which does not differentiate between the designated groups. The latter approach does not take into account the variables in designated groups in the various areas in South Africa and renders the differentiation in the EAP meaningless.

		the attempts made by our member companies to transform and achieve them have been deliberate, sincere, and based on the current reality that exists in the sector. b) The decision to remove small businesses (50 or less employees) from being required to submit EE reports is welcomed. This will most definitely reduce the regulatory burden on our small businesses and create a conducive environment for them to thrive, as a much-needed part of our economy. c) There is broad opinion that Clause 3.4.4 and Clause 3.4.6 in the draft regulation conflicts with specific sections within the EE Act. The MCSA recommends that these opinions about the conflicts be investigated and ratified with a comprehensive legal opinion. d) We would further recommend that clarity be provided on the practical application and implementation of Clause 3.4.4 and Clause 3.4.6. In the way that it is currently written it is open to a few interpretations. e) The provisions of points 3.4.6 states that where a designated employer has exceeded the Ministerial Targets, the employer may not regress and should set targets toward the EAP. This provision holds significant risks for designated employers where staff turnover, for example, may place the employer in contravention. f) Clause 3.4.5 speaks of designated employers setting numerical targets for all population groups. This clause seems contradictory to some previous clauses. Clarity needs to be provided regarding this. g) It is important that the draft regulations give due consideration to sub-sectors within the overall sector target. Each sector and sub-sector face particular realities that need to be considered as a point of departure in determining rational and justifiable targets. It thus becomes vital to consider various submissions made by stakeholders requesting that sub-sectors be focused on in setting targets, rather than the overall broad 18 sectors. h) It is critical that these draft regulations and the relevant reporting is supported by an effective reporting system. It is imperative that the proposed system for the proposed approach be comprehensively and widely communicated to all stakeholders. Whilst welcoming the recently published draft regulations on sector targets and appreciating the engagements that the Minerals Council has thus far had with the DEL, in lieu of comments above, we would appreciate an opportunity to further engage the DEL.

		ANNEXURE B **Legislative requirements for the setting of Sectoral Numerical Targets.** Section 15 provides for consultation with the relevant sectors. Our concern is that our member companies will fall into the broad category of the manufacturing sector. The scope of manufacturing is very broad. The employers falling under the Textile Industry are different to other manufacturing industries and we believe that there should be further consultations with the Textile Industry Employer Organisations to understand the challenges facing the Textile Industry. Section 15 allows for the minister to have the power to impose numerical targets with no room for employer discretion. As you are well aware, the Textile Industry has been decimated over recent decades. The Textile Industry is not an industry of choice and we are facing an aging skills base in

		invested is not stable or poses risks not commensurate with returns this capital is very easy moved to safer havens. When this happens not only does government lose revenue but so do people lose jobs and job opportunities. 2. **List of Economic Sectors (EEAI 7)** We note that the number of sectors have been increased and we believe this is a positive amendment. As detailed in point 1 above, we believe that manufacturing is very broad and have concerns that the specific challenges and circumstances in the Textile Sector are not adequately considered when setting the Numerical Targets. We do not believe that the specific circumstances in the Textile Industry are given sufficient attention when developing the proposed numeric targets. **1. Setting of 5-year Sectoral Numerical Targets** We do not intend to comment on every sub-clause but rather to highlight certain **Clauses 3.1.1 to 3.1.4** We note the factors taken into account when setting the proposed 5-Year Sectoral Numerical Targets. Once again we would welcome engagement on the specific challenges in our sector of industry. **Clauses 3.2 to 3.4** We welcome the elimination of the different race groups in Point 5 — the "5-Year Sectoral Numerical Target for all Sectors". We believe this is a positive change and that the 5-Year targets are based on designated males and designated females. We note that the applicable demographics of the EAP must be taken into consideration. While the principle is understood, it may result in different understandings. We believe there should be guidelines rather than actual

When considering the above mentioned and consultations with industry stakeholders, we proposed targets for the different occupational levels as follows:

Top Management	
Males	14.1%
Females	14.1%
Total	28.2%

Senior Management	
Males	17.2%
Females	19.8%
Total	37.0%

Professionally Qualified and Middle Management	
Males	26.6%
Females	25.1%
Total	51.7%

3.4	PLASSER SOUTH AFRICA	Criteria	Description
		Disability Target of 2%	Eighty One percent (81%) of the employees are employed on construction sites which does not allow for any disabilities. The remaining employees are in Stores and Workshops, which also does not allow employees with disabilities as we work with heavy equipment. This leaves only 9% of employees who are office based. The requirement to enforce a 2% workforce with a disability will become near impossible to meet.
		Professionally Qualified Targets of 50% Black Males and 25% Black Females	The rail maintenance industry has historically been male dominant due to harsh conditions like working in open areas where railway tracks need maintenance. There are no toilet facilities for many kilometres at a time between stations, etc. This makes the employment of females near impossible. Our clients TFR and PRASA do not have facilities available to accommodate these needs.
		Skilled Targets of 50% Black Males and 37.6% Black Females	The company employs artisans who operate and maintain the track maintenance machines on construction sites for shifts involving ten (10) days at a time. This work involves lifting of heavy equipment and parts to maintain same machines. Female artisans have not been able to operate in such harsh environments requiring extreme physical strength as per our past experience. This has limited our ability to employ black females in this category. The rail maintenance industry has historically been male dominant due to harsh conditions like working in open areas where railway tracks need maintenance. There are no

Directors: F F Dantile, P G C van Blerk, R D le Grange (Non Executive), S Saile (Ms) (Non-Executive), V G Pinn (Ms)

Allied Integrated Management Systems
Including: ISO9001 and ISO 45 001

			toilet facilities for many kilometres at a time between stations, etc. This makes the employment of females near impossible. Our clients TFR and PRASA do not have facilities available to accommodate these needs.

		Sector target designated groups		Proportioned to EAP for designated groups				Representation in the MANUFACTURING industry as per the 2023 CEE report				SENIOR MANAGEMENT
		Male	25%	A	C	I		A	C	I		
				21.8%	2.4%	0.8%		6.2%	3.3%	10%		
		Printing Industry *Proposed Target (Black representation)*	**24%**	12%	5%	7%		12%	5%	7%		
		Female	15%	A	C	I	W	A	C	I	W	PROFESSIONALLY QUALIFIED
				12.2%	1.4%	0.3%	1.1%	4%	2%	4.1%	10.3%	
		Printing Industry *Proposed Target (Black representation)*	**16%**	9%	4%	3%		9%	4%	3%		
		Proposed Target (WF representation)	1.1%				1.1%					
		Total	40%	34%	3.8%	1.1%	1.1%	10.2%	5.2%	14.1%	10.3%	
		Total Printing Industry *Proposed Target (Black representation)*	**41%**	25%	8%	3%		25%	8%	3%		
		Male	50%	A	C	I	W	A	C	I	W	SKILLED TECHNICAL
				44.5%	4.8%	0.8%	1.9	25.5%	8.4%	2.4%	13.5%	
		Printing Industry *Proposed Target (Black representation)*	**60%**	35%	15%	10%		35%	15%	10%		
		Female	34%	A	C	I	W	A	C	I	W	
				27.6%	3.1%	0.7%	2.6%	14.3%	4.8%	2.9%	7.6%	
		Printing Industry *Proposed Target (Black representation)*	**28%**	19%	6%	3%		19%	6%	3%		
		Proposed Target (WF representation)	2.6%				2.6%					
		Total	84%	71.1%	7.9%	2.3%	2.6%	50.9%	14.2%	8.3%	7.6%	
		Total Printing Industry *Proposed Target*	**88%**	54%	21%	13%	2.6%	54%	21%	13%	7.6%	
		Total	**50%**	**42.5**	**4.7 %**	**1.5 %**	**1.3 %**	**33.3 %**	**3.5%**	**6.1%**	**10.1**	
		Total Printing Industry *Proposed Target*	51%	30%	9%	12%	1.3%					
4.		**CONSTRUCTION**										
4.1	**MASTER BUILDERS**	Master Builders South Africa (MBSA) is the leading voice of the South African construction industry. The organization is regulated in terms of Section 107 of the Labour Relations Act and exists as a national federation of registered employer Associations representing contractors and employers operating in the building and construction industry. The primary role of										

4.4	**BIGEN AFRICA SERVICES (PROPRIETARY) LIMITED**	ANNEXURE 32A & B Bigen Africa specialises in infrastructure asset creation, operation, and maintenance in the real estate, human settlements, water service, transportation, electricity, health, and agriculture sectors. Accordingly, its understanding is that it is intended to be subject to the published employment equity targets for Professional, Scientific, and Technical Activities in Government Gazette 50058 of 1 February 2024. **Industry**: Based on its sector specialisations, Bigen Africa is principally managed by and employs built environment and related professionals who are governed by statutory councils coordinated by the South African Council for the Built Environment. Bigen Africa forms part of the South African (SA) construction industry and is measured for B-BBEE purposes under the Amended Construction Sector Code. There is a notable gap between the available supply of professionals from the designated groups and the published targets for Professional, Scientific, and Technical Activities in the top and senior management categories. Professionally qualified and skilled targets are far less of a problem. Root causes for the poor supply of registered and experienced Black and Female built-environment professionals can be traced back to pre-1994 education policy, but also to the continuing challenges in the supply of STEM subject learners from the designated groups during basic education. Unfortunately, labour supply statistics that can reliably advise sustainable SA employment equity targets have not been quantified by the SA built environment professions. This is an obvious gap in the current planning and should receive urgent attention. It is clear that the effluxion of time will eventually deal with supply side issues, but proper survey and strategy is needed to properly manage this matter. **Human capital plan performance and challenges**: Bigen Africa has developed a human capital plan that reflects its planned growth per country and sector, anticipated attrition based on history, its EE recruitment policy with affirmative action preferences, and its understanding of current constraints in the market supply of built environment professionals. Uncertainties exist in the absence of definitive supply side data from the industry. Based on its modelling, Bigen currently expects the top and senior management EE targets for Professional, Scientific, and Technical Activities published by the Minister in Government Gazette 50058 to be unattainable and that these will rather lead to unsustainable competition between industry members to avoid crippling sanction by securing, and retaining at a premium, senior resources from amongst the insufficient supply scarce supply of senior Black/Female built environment professionals.

		The database of registered person is by no means transformed when focusing on gender. The number of females is growing but at a very slow pace. To retain more of a balance in regard to gender in particular, initiatives will have to start in secondary school and even before girls decide on their subject's selections in grade 10. Exposure to Science, Technology, Engineering and Design subjects and understanding of the wider scope of career possibilities that these afford need to be emphasised. The attractiveness of careers in Engineering must become tangible through young female roles models who have already made a positive intact impact within a sector of Engineering. **Timeline of Proposed Targets**: As stated previously the percentage proposed targets have not taken into consideration the Sectoral Economic Active Population (EAP) in the industry which makes it difficult for employers to meet the required targets in a short period of 5 years. It is our view that the current proposed targets should be aimed at a longer period to allow employers to progressively train and grow all designated groups to senior occupational level (Top Management & Senior Management). **Removal of the distinction between Provincial and National targets** The removal of the distinction between Provincial and National targets is welcomed as it enables a designated group balance based on local demographics nationally. However, it must be noted that this would be beneficial to companies with a national footprint but not necessarily to those with a provincial presence only, based on our skewed national demographic distribution and settlement patterns. Removal of the distinction between designated racial groups (African, Coloured and Indian) This change is welcomed as it allows organisations latitude to ensure representation of black people (African, Coloured, Indian) without the concerns of targeting a specific group. **In conclusion we would add the following comments, namely that:** Further consultation between the Department of Employment and Labour and industry organisations such as CESA is necessary to align the targets with Sectoral Skills availability together with other factors which industry specific economic issues, market positioning and ownership.

The industry acknowledges that the Department of Employment and Labour (DEL) has provided a non-exhaustive list of potential Justifiable Reasons to be provided in the event that the reporting entity fails to meet its annual target. However, the non-life insurance industry is still concerned that the scope may still not be open to recognise the industry/ financial sector nuances when it comes to skills attraction and retention:

(i) Finance and Insurance Sector, the Sector faces unique and nuanced challenges regarding the availability of scarce skills resources, which becomes more prevalent at more senior levels. It is crucial that a strong pipeline of black graduates with the required scarce skills be built and developed to achieve the proposed targets especially at Senior levels. Therefore, the use of the Nationally Economically Active Population (EAP) to measure EEA performance may not mirror the Financial Sector's representation and more specifically their professional talent pipeline.

(ii) Although there has been a positive progress in skill capacitation, the availability of candidates with the relevant academic and associated experience that are required in the financial services sector (often as a regulatory requirement – i.e. Actuaries and Chartered Accountants) are still not sufficient to meet the demands of the sector from the designated groups. It is also important to note that these skills are highly transferrable and often in demand beyond the financial services sector which further increases the complexity (cost and demand).

Therefore, it is imperative that such considerations are incorporated in the DEL's compliance process – include the application of industry/sector nuances when evaluating the EE Reports submitted by entities and in consideration of suitable justifiable reasons.

Interpretation of the target timelines/Transitional period

The industry appreciates the prescription of the 5-year review timeline for the set targets – however, this should not be read to imply that measured entities are expected to have reached the set target (hardcoding), as this may not be practical, considering the limitations that may exist – economic climate and the industry/sector nuances as outlined above. Therefore, it is requested that the DEL provides clarification in terms of the interpretation of the timeframes and expectations from the measured entity when compiling and submitting annual reports – For the purposes of this topic, SAIA's view is that the 5 year targets should be used as a guide for measured entities, however, individual entity targets must consider stretched, but realistic entity targets (progressive towards meeting the prescribed targets, in order to facilitate meaningful progress measurement and assessment – i.e. a consideration that it may take longer than 5 years for some entities/industries/sector to reach the prescribed targets.

Designated groups

5.2	**THE BANKING ASSOCIATION SOUTH AFRICA'S (BASA)**	**Proposed sector numerical targets** BASA contends that the proposed sector numerical targets have not deviated from the compromise figures that were deemed agreeable by the parties involved in the 29 May 2023 engagement. BASA welcomes this gesture of good faith from the DoEL. The gazette refers to designated groups, when previously the targets were for 'blacks' being Africans, Coloureds, and Indians (ACI). BASA's understanding of designated groups is that it includes white women and white people living with disability. BASA's seeks clarity and proposes that the regulations be specific that the targets are set for 'blacks.' paragraph 3.4.6 states: "Where a designated employer has exceeded the set numerical target of a particular racial / gender group at an occupational level, such an employer may not regress in that particular racial / gender group but should set targets towards EAP." Further clarity is sought in this regard. A regression may be experienced where an employer promotes black people to higher positions. How does this point relate to paragraph 3.4.4? We therefore request that the Minister reconsider this regulation given that the no regression regulation may have unintended consequences of serving as a barrier to the improvement of representation of under-represented groups where the targets, as proposed by the Minister, have not been met. For example, African females may be over-represented at junior management level above their compliance target and EAP which would require that, to improve the representation of other groups e.g., African males in compliance with the sectoral target, their representation be regressed below their EAP level which may be deemed to be non-compliance. The same scenario is likely to pan out with regards to the representation of Coloured and Indian population groups in the event that their representation is above their compliance target and EAP.

SECTION TWO- SUMMARY OF OUR MEMBERS' SUBSTANTIVE COMMENTS AND PROPOSALS.

2.1. The draft Regulations fail to comply with section 15A(2) of the Act – (consultation) 2.1.1. Section 15A of the amended Act, reproduced below for ease of reference, contemplates two separate and sequential consultation processes that are to precede the finalisation and imposition of numerical targets for any national economic sector: a sector wide consultation and advice of the Commission (section 15A(2)) which will inform the draft notice that is then published for public comment (section 15A(4)). "Section 15A – Determination of sectorial 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 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, subsectors, 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." (Our emphasis) 2.1.2.

The draft Regulations containing the draft notice, as a species of administrative action, are required to be lawful, reasonable, and procedurally fair (section 33 of the Constitution of South Africa, 1996 ("the Constitution").

2.1.3. The Promotion of Administrative Justice Act, 2000 ("PAJA"), the constitutionally mandated legislation which gives greater context to the right to just administrative action, provides that "administrative action which materially and adversely affects the rights or legitimate expectation of any person must be procedurally fair".

2.1.4. Section 3(2)(b) of PAJA goes on to state that "in order to give effect to the right to procedurally fair administrative action, an administrator, subject to subsection (4), must give a person referred to in subsection

(1) – (i) adequate notice of the nature and purpose of the proposed administrative action;

(ii) a reasonable opportunity to make representations;

(iii) a clear statement of the administrative action;

(iv) adequate notice of any right of review or internal appeal, where applicable; and (v) adequate notice of the right to request reasons in terms of section 5" (our emphasis).

2.1.5. For the reasons that follow, we submit that a prior lawful sector consultation process did not take place as is required by section 15A(2):

		meet the sector's unique needs. 1 Section 14 of the Interpretation Act, 1957 makes it clear that "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, 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." 2 2020) ZAGPJHC 162 5 We are of the view that a thorough and inclusive consultation process will likely resolve many of the concerns currently faced by our members. It will not only allow an open dialogue and a deeper understanding among all stakeholders but will ensure that the Regulations are both practical and equitable, addressing the needs and uniqueness of the financial sector comprehensively. We trust that the Department will consider this proposal favourably and look forward to a constructive dialogue moving forward. 2.2.Non-compliance and the Authority of Labour Inspectors: 2.2.1. The process for determining non-compliance and the criteria for what constitutes non-compliance under the draft Regulations remain unclear. Although the draft Regulations acknowledge justifiable reasonable grounds, these are largely subjective and the practical application and the impact of some of them is not easily determinable. The justifiable reasonable grounds without guidance on their usage and what would satisfy the burden of proof cannot be said to cure any unreasonableness within the targets. 2.2.2. We remain concerned that the draft Regulations lack transparent guidelines on how labour inspectors will exercise their authority when making compliance determinations, nor do they make any reference to a potential mechanism that will take care of this concern. The wide discretion given to labour inspectors is a significant concern for our members, as it may be excessively broad. 2.2.3. Recommendations to the Labour Court will depend on the subjective judgments of labour inspectors, and a standardized approach would ensure transparency. Section 37 (1) of the Act states, "a labour inspector may serve a compliance order on a designated employer in the prescribed manner if that employer has failed." While this clause can be interpreted to refer only to forms, we advocate for a more transparent approach providing clearer guidelines on how the inspectors make decisions or, at the very least, what minimum considerations they should take into account. 2.2.4. The implications of the labour inspectors' findings are significant, as they can only be challenged in the Labour Court after potentially severe reputational damage has been inflicted on designated employers. Negative findings also affect employers' Environmental, Social, and Governance (ESG) scores, impacting their attractiveness to both local and foreign investors and thus affecting the broader economy. **2.2.5. Proposal:** We suggest that the Regulations specify minimum guidelines for inspector conduct and exercise of discretion and clarify the type of evidence required to meet the burden of proof for claims of non-compliance based on justifiable reasonable grounds. Furthermore, we recommend that these guidelines incorporate objective criteria that labour inspectors will use to assess and interpret these grounds, eliminating subjectivity and unfettered discretion. Thereby, ensuring certainty and transparency throughout the process. Additionally, we propose the establishment of an intermediary mechanism or an appeal process before matters are escalated to the Labour Court. Setting clear, publicly accessible guidelines for labour inspectors' conduct and the inspection process would ensure fairness and

		2.4.3. Data from within the financial sector clearly indicates a shortage of suitably qualified individuals in some categories e.g. under junior and professionally qualified categories. Given the complexity of many functions within this sector, relevant and suitable skills are essential for its sustainability. Furthermore, demographic data from the Department of Basic Education reveals significant disparities between those graduating from secondary education and those represented in the EAP. Census 2022 findings show that only 37.6% of adults have a Matric certificate, indicating a critical oversight in recognizing the actual availability of suitably qualified individuals in the financial sector. 2.4.4. Proposal (1): Considering these observations, we respectfully request that the Department undertake a revised and more rigorous Socio-Economic Impact Assessment System (SEIAS) review to accurately determine the availability of suitably qualified individuals within our industry, as well as to assess the pipeline of individuals from the secondary education (matriculants) and tertiary system who are eligible for employment at various occupational levels within our sector. 2.4.5. Proposal (2): We also recommend an extension of the implementation timeframe from 5 years to 10 years given the constraints in building the pipeline for specific skills within the junior and middle management level within the sector. 2.5. Feasibility and Practicality of some of the Targets 7 2.5.1. While the most recent targets for top management and senior management levels appear more achievable and align closer with current figures, it is important to note that the average age in these occupational levels is currently 52 years. Consequently, there will be limited mobility within these levels, making the targets substantially more challenging to meet than initially anticipated. 2.5.2. Moreover, ASISA members believe that due to a bottleneck in the pipeline of suitably qualified employees, the targets established for professional/middle management and skilled technical/junior management levels will be unattainable within the prescribed timeframe. Additionally, the feasibility of achieving these targets varies significantly across different sub-sectors, further underscoring the necessity for setting specific targets for each sub-sector. This variation provides yet another compelling reason for our request to have distinct targets tailored to the unique conditions of each sub-sector 2.5.3. Proposal : In order to achieve its mandate of job creation, one of the focus areas of the Department of Employment and Labour is the development of suitably qualified employees. This is also the main limitation for designated employers in achieving the proposed employment equity targets on the technical and professional management levels. At ASISA we believe we can build a solution that develops a pipeline of suitably qualified employees for the industry to address employment equity and in so doing assist the Department in its mandate as well. 2.5.4. In financial services suitably qualified not only refers to an academic qualification, but also to relevant experience. ASISA therefore recommends the inclusion of an additional reasonable ground for designated employers who can prove that they spend 1% of Net Profits After Tax on the creation of Graduate programmes for technical and professional management and that such programme led to an absorption of at least 70% of the graduates into full-time employment within the sector. This spent must be in addition to any other spend claimed under skills development.

		whether designated employers will be measured against the sectoral targets or the EAP in instances where they have exceeded the EAP and what the consequences would be for not meeting the targets above the sectorial ones (This is assuming that a designated employer has done so well and met the sectorial targets ahead of the 5- year mark.) 2.7.4. Reconsideration of the 'No Regression' Regulation We request that the Minister reconsider this Regulation given that the no regression Regulation may have unintended consequences of serving as a barrier to the improvement of representation of under-represented groups where the targets, as proposed by the Minister, have not been met. For example, African females may be over-represented at junior management level above their compliance target and EAP which would require that, to improve the representation of other groups e.g., African males in compliance with the sectoral target, their representation be regressed below their EAP level which may be deemed to be non-compliance. The same scenario is likely to pan out with regards to the representation of Coloured and Indian population 9 groups in the event that their representation is above their compliance target and the EAP. **2.8.Economically Active Population based targets** 2.8.1. The construct of National Economically Active Population (NEAP) or Regional Economically Active Population (REAP) encompasses the informal sector and thus a very wide range and percentage representation within the SA total number of citizens. It also includes the economically active unemployed and naturalised citizens of South Africa. The premise to use such data in any sector, but particularly the financial services sector, which requires in almost all cases highly skilled and competent individuals, is questionable. Using the NEAP or REAP as a benchmark for a highly skilled and select industry poses significant challenges in representing the overall workforce/economically active population in South Africa. According to Statistics SA and Census 2022 only 37.6% of people in South Africa over the age of 20 have Matric or higher. It is important that targets reflect the realities of the sector and the skill sets required to meet these targets effectively. **2.9.Designated Groups** 2.9.1. The newly proposed targets, which are broadly defined for designated groups, introduce a level of complexity and this situation presents a contradiction between the aim of combining designated groups and the requirement to set specific targets for individual population groups when overall targets are not met. 2.9.2. Since the targets have been set according to designated groups by gender with no racial distinction; clarity is required in terms of 'white female' employees as they are, by law, a designated group. In light of this fact, is it correct to assume that white females are part of the published targets? If that is the case, is this design not further diluting AIC representation and thereby negatively influencing the employment equity intention for Black females? 2.9.3. We also need clarity on the requirement for designated employers to still submit their own targets for the respective race groups and to what extent a failure to meet those targets will lead to a finding of non-compliance, especially in cases where the published ACI target is met. **2.10. Clarifying Reasonable Grounds for Non-Disclosure by People with Disabilities** 2.10.1. We acknowledge the requirement to set targets for people with disabilities to increase diversity. While employers have made significant efforts, a persistent challenge remains as employees cannot be forced to formally disclose their disability status. Although every effort is made to create an accommodating workplace, it is conceivable that workplaces may have a higher representation of employees with disabilities than is formally reported. More work is underway to raise awareness. 2.10.2. In the event that a company does not meet the targets for people with disabilities due to non-disclosure through the EEA1 forms, we seek clarification on what sort of evidence would be allowable to demonstrate compliance.

		COMMENTS AND IS PART OF THE FULL ASISA SUBMISSION. Sincerely, Name Adrian Burke Lister Saungweme Signature Designation CEO, ASISA Senior Policy Advisor, ASISA Date 30/04/2024 30/04/2024 12
5.4	LOMBARD	ANNEXURE 39 Lombard Insurance Company Limited (Lombard) is a public company operating in the commercial insurance sector. Lombard offers construction, logistics, energy, fuel and mining guarantees, as well as providing commercial insurance products. This letter sets out Lombard's comments in response to the Draft Regulations, which comments are summarised as follows: 1. THE FINANCIAL AND INSURANCE SECTOR SHOULD NOT BE MERGED 2.1 The Minister has the power in section 15A(3) of the Amendment Act to identify sub-sectors, and the amended definition of "sector" in the Amendment Act includes "an industry or service, or part of any industry or service." Notwithstanding this power, the Minister has failed to identify sub-sectors in any of the 18 industries listed. 2.2 The proposed 18 sectors previously identified in the Draft Employment Equity Regulations, 2023 for Public Comment, published on 12 May 2023 (2023 Draft Regulations) remain unchanged. This indicates that there has been a failure by the Department of Employment and Labour (DoEL) to apply its mind to the various sub-sectors that operate within the "Financial and Insurance" industry. 2.3 For the reasons that will be explained, it is irrational to merge these two distinct sectors together, as different workforce profiles and demographics are applicable, as well as suitably qualified candidates. Lombard proposes that the Insurance industry should be consulted as a stand-alone sector, separate from the financial services industry. 2.4 In terms of the Standard Industrial Classification Codes (SIC Codes), the Financial and Insurance activities sector is sub-divided as follows: 2.4.1.1 division 64: financial service activities, except insurance and pension funding; 2.4.1.2 division 65: insurance, reinsurance and pension funding, except compulsory social security; and 2.4.1.3 division 66: activities ancillary to financial service and insurance activities. 2.5 At the very least, divisions 64 and 65 should be considered separately, and each ancillary service should fall under the relevant sector. 2.6 According the SIC Codes, division 64 (which primarily deals with financial services) is described as including "the activities of obtaining and redistributing funds other than for the

industry than the broader and more overarching sector of "financial activities". The SIC Codes speak to a far wider range of activities that fall within the financial activities sector. These include banking activities, the financial activities associated with various types of entities, different forms of credit granting, financial market administration and the handling and trading of commodities and securities. "Financial activities" casts a wide net, covering various finance and transfer related activities. These activities are distinct, identifiable and clearly separate from "insurance activities".

2.10 Similarly, form EE 17 contained in the Draft Employment Equity Regulations, 2018 (the 2018 Draft Regulations) recognised sub-sectors. Those sub-sectors identified in the 2018 Draft Regulations included:

2.10.1 Financial service activities, except insurance and pension funding;
2.10.2 Insurance, reinsurance and pension funding, except compulsory social security; and
2.10.3 Activities auxiliary to financial service and insurance activities.

2.11 Notwithstanding the recognition of these sub-sectors in the 2018 Draft Regulations, such delineation between sectors has not been carried through to the 2024 Draft Regulations.
2.12 Given the diversity of the various sub-sectors within SIC Codes 64 to 66, the proposal of one sectoral target for the industry at large simply because it falls within a broad category of 'financial and insurance activities' is irrational and is susceptible to review.
2.13 The power of the Minister to identify sub-sectors takes into account that there are variances in current workforce profiles, demographics, skills availability, qualifications, challenges faced by each industry, and the extent to which some designated groups are under-represented in various sub-sectors.
2.14 The identification of sub-sectors prior to proposing targets for the broader sectors is imperative. As a result of a failure to properly consider the identification of the sectors and sub-sectors following the passing of the Amendment Act, Lombard and other insurers within the sector have effectively been denied an opportunity to make any meaningful representations on the Draft Sectoral Targets or on the sector which it is proposed to fall.
2.15 Only once a sector has been identified and consulted on, would it be ripe for the Minister to publish draft sectoral targets for that specific sector for public comment. This is explained more fully below.

4. THE DRAFT SECTORAL TARGETS ARE IRRATIONAL, WHEN CONSIDERED AGAINST THE WORKFORCE PROFILES FOR THE SECTOR

Overall, there appears to be a move to reduce female representation within top management, senior management and professionally qualified
occupational levels in the sector, notwithstanding the fact that females are a designated group recognised in terms of the EEA. By way of example, and in relation to the following:

						Target seeks to reduce female representation by 17.6% when compared against the workforce profile in Senior Management for the sector.	
		Professionally Qualified & Middle Management	Male	31,6%	30%	The Draft Sectoral Target seeks to reduce representation of males from designated groups by 1.6% when compared against the workforce profile for professionally qualified and middle management.	
		Professionally Qualified & Middle Management	Female	50,7%	34%	The Draft Sectoral Target seeks to reduce female representation by 16.7% when compared against the workforce profile for professional qualified and middle	

wording of draft regulation 3.4.4 (no internal targets necessary if the targets have been exceeded) and draft regulation 3.4.6 (no "regression" permitted), these regulations may result in the over-representation of a particular race or gender group.

6.6 By way of example, if Indian males are over-represented with reference to the EAP, such overrepresentation must be maintained, and it would not be necessary to set targets for this particular race / gender group. This does not align with the objective in section 15(1) of the EEA to achieve "equitable representation". It may also create absolute barriers to the appointment and/or promotion of under-represented groups.

5.5 Johannesburg Stock Exchange (JSE)

ANNEXURE 36

3. THE JSE'S SPECIFIC CONCERNS REGARDING THE REVISED REGULATIONS

3.1 In our previous comments we advocated, *inter alia*, for relief for smaller and more constrained players in the financial sector. We appreciate that our comments may have been considered when the numerical targets for the Financial and Insurance Activities Sector were revised. However, we are of the view that the significant revision downwards of certain targets may have the unintended consequence of retarding transformation of the Financial and Insurance Activities Sector.

3.2 The JSE believes that the implementation of lowered targets would be counterproductive to advancing transformation and fostering inclusivity within our sector. We, therefore, are supportive of more balanced targets, that are progressive and both challenging and achievable, ensuring that they serve as catalysts for meaningful change. Therefore, it is imperative that the proposed Financial and Insurance Activities Sector numerical targets be reconsidered and realigned with the spirit of the national transformation agenda.

3.3 Of particular concern to the JSE are the numerical targets that are set at or below the workforce profile statistics for the sector per the 23rd CEE Annual Report. These numerical targets translate into a step back from the gains made from a transformation perspective and do not provide for the challenge or stretch required to meet the objectives of the Employment Equity Act, as amended. The table set out below indicates the specific numerical targets of concern.

Description	Gender	23rd CEE Annual Report	Draft Regulation	
		Workforce profile	12 May 2023	1 Feb 2024
Senior management	Total	48.1%	57%	48%
Middle management	Total	65.3%	72%	64%
	Female	34.5%	34%	34%
Skilled Technical	Female	53.1%	46.2%	42%

Conclusion

The JSE therefore respectfully encourages the Minister to review the revised regulation and find them more balanced approach that has less negative/ unintended consequences.

		plan on an annual basis, and where an employer has not met their plan, they need to provide reasonable and justifiable grounds for not meeting their target, which will then be assessed by (labour) inspectors who will consider whether they deem the grounds to be reasonable and justifiable. While we welcome the list of grounds provided, we submit that this remains limited and does not allow for any other grounds which may arise. Regulation 4.5 of the Draft Regulations proposes a list of reasonable grounds ((a)-(g)) that may be invoked by the designated employer "in the compliance analysis of affirmative action in any workplace" to justify non-compliance with sectoral targets set. We note, first, that reasonable grounds for non-compliance are distinct from a compliance analysis under the Act. We submit that a designated employer would only be required to, or in a position to, justify any non-compliance with sectoral targets once a compliance analysis has been completed and a determination of non-compliance has been made. A compliance analysis must consider all the factors listed in Sections 15 and 42(1) of the Act, as amended (including any factors that may subsequently be prescribed in terms of Section 42(1)(e)). These include, among others, compliance with sectoral targets, progress made in eliminating employment barriers adversely affecting people from designated groups, reasonable steps taken to train qualified persons from designated groups, and reasonable steps taken to implement the employment equity plan. Failure to satisfy any one of these factors does not render a designated employer non-compliant. We accordingly propose that the reference to "compliance analysis" be distinguished from the advancement of "reasonable grounds" in the 2024 Draft Regulations, to avoid the confusion that may eventuate as a result of the seeming conflation of these concepts. The list of reasonable grounds that the 2024 Draft Regulations indicate may be advanced as justification for non-compliance with sectoral targets included in an employment equity plan is, necessarily, non-exhaustive. This is in accordance with the broad wording of the Act, which refers at Section 42(4) to "any reasonable ground". We submit that, for purposes of clarity and the avoidance of any doubt on this score, a final factor "(h)" should be included in Draft Regulation 4.5, to include "any other relevant factor". These factors could include, by way of example, efforts by the designated employer to implement alternative employment equity measures or to further the achievement of employment equity. It is proposed, further, that mitigating factors considered in instances of non-compliance be included in a separate sub-regulation, to inform a determination of consequences where a target has not been met. We submit that mitigating factors for non-compliance with sectoral targets should include, at least, demonstration by a designated employer that it has taken steps that will result in the achievement of sectoral targets by itself and others in future. Additionally, clear guidance is required on what would be deemed suitable evidence to adequately substantiate the reasonable and justifiable grounds, to ensure that there are no issues of debate on these requirements in the future.

		•Guidance on how (labour) inspectors will exercise their powers and the onus of proof that they shall require/expect from designated employers. •The addition of 'any other relevant factor ' as a reasonable ground to the Regulations. •In addition we request the addition of an additional reasonable ground being granted to designated employers who place an emphasis towards increased spend on the development of employees within The skilled and professional occupational levels to further the creation of jobs in the sector. This would also result in improved management of the challenges being experienced in sourcing suitably skilled individuals within the intermediary sector. Intermediaries are the gateway to innovation and entrepreneurship in this sector, and vital to the development of the South African economy and the drive for protection of consumers. We again humbly request the DoEL to consider further engagement with the FIA to negotiate sub-sector targets.

		6. The inclusion of the following as a factor for setting targets causes concern: 'The latest 2022 workforce EE profile of each economic sector in terms of Race, Gender & Disability is reported by employers as submitted by designated employers in 2022 to DoEL. Our concern is that it implies that all would need to rely on 2022 reports as a baseline yet many employers report in January 2023 and the industry wonders if all reports informed this. This gazette published 15 days after the DoEL reporting cutoff date raises concern that some reports may not have been submitted/considered at the time. What percentage of employers informed this per sector and what is the percentage of representation of the sector workforce? This item requires clarification. It would be useful if a supporting statement on an assumption one draws on the EEC report would contain the respective 'workforce profile of each economic sector'. 7. This is great recognition that we currently have a parallel universe (of EE and BBBEE) that needs to come together as one national plan in the transformation agenda. Transformation Practitioners may thread the pieces together but often they are not the decision makers who find the EE and BBBEE too different while they are supposed to further one agenda, a national objective and a vision for South Africa. 8. 'Unique sector dynamics (e.g., availability of skills, economic and market forces, ownership etc) raised by sector stakeholders in written submissions in consultation...' Industry is happy with this consideration and appreciates it, however, as with our response to item 3.1.2 of this gazette, we believe the question to be asked is: what percentage of employers were consulted? Broad and substantive consultation can only inform a practical aligned effort. 9. The reference of the Compliance Certificate (EEA15) to the CCMA awards, is still a concern as the case load can put certain employers at a disadvantage as progress on cases would depend on a lot of factors. Aligns with item e) of CCMA settlement Compliance Certificate.
6.2	**FLY SAFAIR**	While this submission seeks to provide information that may aid the effective implementation of the EEA's transformation objectives, we note that the 30-day time period is inadequate for industry to provide cogent and useful submissions and comments.

		Please clarify whether national or provincial demographics will be the targets It seems that the EAP is still in effect although provincial EAP targets can be applied. Please clarify that the EAP still applies to Top Management, where it is not practically possible to achieve due to limited positions available. In terms of Par 3.4.6, one cannot regress if a specific EAP is exceeded. Please clarify what is meant by this. Please also advise if there is an expectation to increase a certain group, but not decrease another (except white), which means that one can only progress if a white person leaves or if a job is created. We believe that the percentage for disabled people is quite high for the bus sector considering the inherent characteristics of the sector in terms of technical and maintenance practicalities in bus operations, driving a bus etc. based on the assumption that EAP does not apply.
6.4	**ROAD FREIGHT ASSOCIATION**	ANNEXURE 52 3.1.1: Industry appreciates any reduction of complexity and so the change from the 2023 level specific target is welcome as the subsector sees this in line with the spirit of the EAP benchmark, however industry regards the removal of the specification of race subgroups within the gender categories as a deviation from the spirit of the constitution and the EAP benchmark.

7.1	**Altron Health tech**	For Top, Professionally skilled and Technically skilled employees it is factually not possible at all to meet the sectoral targets, and for Senior level, highly improbable.	

		3. Sub-sector targets are lacking: our company operates within a specialized sub-sector and is subject to the general targets set by the Minister for the Information and Communications sector. This poses challenges for our operations, as we require specialized skill sets that may have limited availability within the talent pool or extended training duration aligned with the set timeframes for achieving these targets. In other words, please consider where the sector can find: • 82 new (after 100% of current Senior management are already promoted) African, Top management candidates to be appointed into Top management level. • 759 new (after 100% of current Junior management are already promoted) African female, Middle management, or professionally skilled candidates. • 73 945 new (after 100% of current semi-skilled employees are already promoted) African, Junior management, or technically skilled candidates. o – this cannot be done in 5 years. **t is therefore quantifiably shown that the targets must be at least halved for the next 5 years. should the education sector then produce the require skill at high school and graduate level, to levelop further the purpose targets can then be implemented in the following ten years.**
7.2	**GLUCODE**	As Glucode, we are expressing our concerns regarding the new draft regulations released on February 1, 2024, which pertain to the sectoral numerical targets outlined in section 15A of the Employment Equity Act, 1998 (EEA). While we understand and support the objectives behind these changes, including the simplification of targets by eliminating separate national and provincial targets for each occupational level, we find certain aspects of these regulations challenging, particularly for small and medium-sized enterprises (SMEs) like ours. The primary concern lies in the scarcity of skills within the South African market. The regulations now require a single target per sector for each occupational level. This approach does not take into consideration the unique challenges faced by companies operating in sectors with a significant shortage of skilled professionals. In our experience, the talent shortage, especially at managerial and senior levels, severely limits our ability to meet these new requirements. The majority of the skilled workforce has the option to emigrate, leaving a vacuum that is increasingly difficult to fill. For a SME like Glucode, the lack of flexibility in choosing talent due to these skill shortages poses a substantial threat to our operational efficiency and growth potential. The stringent application of these targets without accommodating the realities of skill availability could inadvertently hamper our efforts to contribute meaningfully to the economy and employment equity. We respectfully request that the Department consider revisions to the February 2024 Regulations that would provide additional flexibility or alternative mechanisms for companies struggling with skill shortages. It would be beneficial to have a more nuanced approach that considers the specific challenges faced by different sectors and sizes of businesses, particularly SMEs, in meeting these targets. We are fully committed to the principles of employment

		• For Top management African females, the industry will need 1349 African females in Top management to meet the target of 19.2%. Even if we promote 100% of current Senior Management (1002) (which is not practical, or possible4,) the industry will still need 48 African female employees to promote into Top management which is simply not possible as they do not currently exist. • For Top management African males, meeting the target of 24.3% (1679), we will need to promote 100% of the current African male Senior management, plus still need 34 individuals who also do not exist currently. • For senior management, meeting the target of 21.8%, would require 4402 African females in Senior management. This means 86% of the current Middle management/professionally skilled level will need to be promoted, which is highly improbable. • The same for African males. 88% of the current Middle management/professionally skilled level will have to be promoted to meet the target of 30.4% for Senior management, which is highly improbable. • To meet the target of 26.1%, African females in Middle management/Professionally skilled, even if 100% of the current Junior management/ Technically skilled employees in the industry are promoted, the industry still lacks 759 African females that do not exist to meet the target. • For African males, in Middle management/Professionally skilled, 97% need to be promoted to meet target. • At Junior management/Technically skilled level, the industry will need 57143 African female employees to meet the target of 26.1%. There are only 32811, leaving a shortfall of 24332 African females that do not exist. • At Junior management/Technically skilled level, for African males, 73210 is needed in the level to meet the target of 41.7%. There are only 23597, thus creating a shortfall of 49613 African males that do not exist. In a scenario where the industry's current Coloured, Indian, and White employees stay unchanged (not realistic, but for the purposes of considering a best-case scenario) and each and every current African employee is promoted into the next level within 5 years, (again unlikely, but assuming for the purposes of this scenario) the industry will have to create 72 324 new African employees i.e. 14464 per year,1205 per month, every month for 60 months for them to be promoted into the Technically-skilled level and higher. **The proposal (see annexure C for detailed calculations):** A more realistic scenario is where 40% of all Africans currently in the sector are promoted within the next 5 years and to avoid any absolute barriers, 5% of the other demographics are promoted; and the industry creates 26 000 new African entrants (20% increase of the current industry Africans), then sectoral targets, although tough, should be achievable. See detailed calculation in Annexure C.

		already stressed economy. 3. Sub-sector targets are lacking: our company operates within a specialized sub-sector and is subject to the general targets set by the Minister for the Information and Communications sector. This poses challenges for our operations as we require specialized skill sets that may have limited availability within the talent pool or extended training duration aligned with the set timeframes for achieving these targets. In other words, please consider where the sector can find: • 82 new African, Top management candidates to be appointed into Top management level, after 100% of current Senior management are already promoted. • 759 new African female, Middle management, or professionally skilled candidates, after 100% of current Junior management are already promoted. • 73 945 new African, Junior management, or technically skilled candidates, after 100% of current semi-skilled employees are already promoted.
7.4	**MEDIA 24**	ANNEXURE 44 Re Paragraph 3: 5-year Sectoral Numerical Targets for All Sectors. 1. The content of paragraph 3 of the Regulation suggests a lack of clarity and certainty in respect monitoring of and compliance to the sectoral targets in paragraph 5 of the Regulation (various tables pages 8-12) and the objective of achieving 'equitable representation' stated in the Employment Equity Act ("EEA") The Regulation suggested that a designated employer may comply with minimum requirements of the regulation but not necessarily with the requirements of section 15, 20 and 42 of the EEA in so far it relates to "equitable representation" as an objective of the EEA. If this is correct, compliance with these two different norms should be addressed in an explanatory note as it may cause confusion and misunderstanding as illustrated below. a. Paragraph 3.4.3 suggest that employers will be measured against annual targets set towards meeting the relevant 5-year sectoral numerical targets. This seems to suggest that employers will not be measured against their targets set in respect of achieving "equitable" representation. If this notion is correct, and the employer complies with the minimum 5 year Sectoral Numerical Targets, what are they being measured against for the remainder of the 5 years? This issue must be clarified as it is confusing. See further below. b. Paragraph 3.4.6 seems to address the scenario on 1a above, however, states that where employers exceeded that set numerical targets, they need to set targets towards the EAP.

presence in a province does not imply a business has its operations in a specific province and having most employees in a specific province does not amount to having its business in the same province as opposed to nationality.

In any event, if the "presence" guidelines is used, it may undermine the legislative objectives of "equitable representation" and therefore the objective of the EEA as this guideline may not be rationally linked to achieving equitable representation. The wording as it is, will results in high volumes of preventable litigation if not properly clarified and defined and will cause further delays to the implementation of Employment Equity.

6. As we highlighted above, there are several areas in the Regulation where the content and wording are unclear and/or ambiguous resulting in uncertainty. We suggest that these are corrected, and the final Regulation be accompanied with detailed explanatory notes in order to guide implementation and prevent or minimise legal challenges.

7.5 **ALTRON FINTECH**

ANNEXURE 38

Altron is fully committed to transformation and has made significant progress to both employment equity and skills development in recent years. That said, please consider that for a company in the Information and Communication Technology (ICT) sector employing very specialist skilled staff, the sectoral targets set for most occupational levels are not achievable within 5 years and this will consequently be detrimental to the ICT sector and ultimately the economy.
For the Top Management, Professionally Qualified and Skilled Technical occupational levels the facts show that it is not possible to meet the sectoral targets, and for Senior Management occupational level, highly improbable.

The proposal:

Target '29	19,2%	2,3%	0,5%		3,5%	24,3%	2,7%	1,0%		4,5			
TOP	**Female**					**Male**							
	A	C	I	Total	W	A	C	I	Total	W	FNF	FNM	Total
Top (CEE report 2022/2023, ICT)	299	125	216		586	379	160	394		2250	35	132	**4576**
Current %	6,5%	2,7%	4,7%		12,8%	8,3%	3,5%	8,6%		49,2%	0,8%	2,9%	**100,0%**

Middle / Prof. Skilled	Female					Male							
	A	C	I	Total	W	A	C	I	Total	W	FNF	FNM	Total
Prof (CEE report 2022/2023, ICT)	5142	1783	1895		6333	7027	2639	3436		12495	458	1830	**43038**
Current %	11,9%	4,1%	4,4%		14,7%	16,3%	6,1%	8,0%		29,0%	1,1%	4,3%	**100,0%**
DOEL Proposed Sector Targets	**Prof Qualified Females**			**30,0%**		**Prof Qualfied Males**			**40,0%**				
Reasonable Target for Industry	**21%**	**3%**	**3%**	27%		**28%**	**7%**	**5%**	40%		**1%**	**3%**	100 %
Prof (CEE report 2023/2024, ICT)	12.4%	4.3%	4.3%	21%		17.0%	6.2%	8.2%	31.4 %				
Target '29	**32,2%**	**3,9%**	**0,9% (37%)**		**3,5%**	**41,7%**	**4,7%**	**1,6% (48%)**		**4,5%**			
Junior / Tech. Skilled	**Female**					**Male**							
	A	C	I	Total	W	A	C	I	Total	W	FNF	FNM	Total
Skilled (CEE report 2022/2023, ICT)	19143	5173	3099		9021	23210	7153	4883		14459	591	1826	**88558**

DOEL Proposed Sector Targets	Top Man Females			22%		Top Man Males			28%				50%
Reasonable Target for Industry	11%	2%	4%	17%		16%	6%	7%	29%		1%	2%	100 %
Top (CEE report 2023/2024, ICT)	7.1%	3.0%	4.9%	15%		7.8%	3.6%	8.7%	20.1 %				
Target '29	21,8%	2,6%	0,6% (25%)		3,5%	30,4%	3,4% (35%)	1,2%		4,5%			
Senior	Female					Male							
	A	C	I	Total	W	A	C	I	Total	W	FNF	FNM	Total
Senior (CEE report 2022/2023, ICT)	1002	425	567		2246	1266	559	1095		4230	144	479	12013
Current %	8,3%	3,5%	4,7%		18,7%	10,5%	4,7%	9,1%		35,2%	1,2%	10,5%	100,0%
DOEL Proposed Sector Targets	Sen Man Females			26,0%		Sen Man Males			35,0%				
Reasonable Target for Industry	15%	3%	3%	21%		23%	8%	7%	38%		1%	3%	100 %
Senior (CEE report 2023/2024, ICT)	8.9%	3.7%	4.8%	17.4%		10.9%	4.8%	9.0%	24.7%				
Target '29	26,1%	3,1%	0,7% (29.9 %)		3,5%	34,7%	3,9%	1,4% (40%)		4,5%			

		Current %	21,6%	5,8%	3,5%		10,2%	26,2%	8,1%	5,5%		16,3%	0,7%	2,1%	**100,0%**
		DOEL Proposed Sector Targets	**Skilled Tec Females**			**37,0%**		**Skilled Tec Males**			**48,0%**				
		Reasonable Target for Industry	**31%**	**5%**	**3%**	39%		**29%**	**6%**	**4%**	39%		**1%**	**2%**	100 %
		Skilled (CEE report 2023/2024, ICT)	**21.2%**	**6.1%**	**3.7%**	31%		**26.6%**	**8.3%**	**5.7%**	40.6%				
8.	**WATER SUPPLY, SEWERAGE, WASTE MANAGEMENT AND REMEDIATION ACTIVITIES**														
9.	**ELECTRICITY, GAS STEAM AND AIR CONDITIONING SUPPLY**														
10.	**HUMAN HEALTH AND SOCIAL WORK ACTIVITIES**														

		Relevant considerations in relation to the proposed employment equity targets with regard to four skill levels (top management; senior management; professional; skilled) • Top Management: At the top of a NGO is the Governing Board (Board of Directors) including the executive manager. Badisa's board members work as volunteers in an unpaid capacity. Finding dedicated, talented, skilled, and willing people to volunteer is a challenge that every governing board face. • Senior Management: Badisa has a flat structure and numbers at this level are relatively low, with low staff turnover at this level. This will likely make achieving the fairly aggressive employment equity targets proposed by the DOL at this level challenging within the proposed 5-year reference period. • Professional and skilled: The major problem with the current proposed regulations is the gender targets for Welfare (& Health) Sector. Social workers Childcare workers and Nursing. It is a female-dominant occupational group Even the current student profile at the learning institutions is overwhelming female. The current targets for this level are not viable or realistic. 4. PROPOSAL Against the backdrop of the above, we strongly recommend the urgent convening of an expert group representing the Welfare Sector. This group must include representatives of NGOs, as well as DSD and DoEL. Amongst other things, this group must calculate the cost of implementing the

10.2	**ABRAHAM KRIEL BAMBANANI NPCA**	We as welfare sector cannot appoint the numbers of males required in the sector targets, unilaterally prescribed by the DoEL, as there is simply not sufficient interest by males in the roles social workers, child and youth care workers, early childhood development teachers, nurses, and the like. A previous response by the DoEL, i.e. that the industry should negotiate with universities to produce more males in these roles, is not helpful at all, as universities also do not have control over the potential interest amongst and enrollments of potential students to training in the above roles. We submit that the indiscriminate appointment of male child and youth care workers would not be in the best interest of the traumatized children placed in our care. We have had experiences of several male appointees in these roles that leads to inappropriate relationships between male child and youth care workers and traumatized girls. We would furthermore like to point out that individuals, male or female, who enter the profession of child and youth care workers, early childhood development, social work, etc. with ulterior motives, do not function well or in the best interest of the beneficiaries they serve. These roles require people with a mindset primarily aligned with the needs of the beneficiaries they will be serving. We acknowledge that there are indeed limited numbers of male child and youth care workers available. These individuals are appointed selectively and appropriately, as far as possible in the best interest of the children in care of child and youth care centres. However, our contention is that the indiscriminate appointment of males, as implied and indeed required by the unrealistic targets set by the DoEL, will lead to abuse and secondary traumatization of children already traumatized. Needless to say, this will be in contravention of the Children's Act of 2005. The Welfare sector is hereby appealing and proposing that the Department of Employment and Labour negotiates and consult with the sector on target specifics for the social welfare sector, to be included in the regulations as well as accommodate our environment which is predominantly female social workers, child and youth care workers and community development services. We are appealing to the Department to consider these submissions and take them on board in the interest of an orderly and implementable application of our country's EE policies. We look forward to further interactions with the DoEL on this matter.
10.3	**Freedom of Religion SA(FORSA)**	ABOUT FOR SA AND ITS INTEREST IN THE REGULATIONS: 3. Freedom of Religion SA NPC (2014/099286/08) ("FOR SA") is a legal advocacy organisation mandated to protect and promote the right to religious freedom and related rights of all South Africans, regardless of their specific religious or ideological beliefs. FOR SA is, therefore, neutral Page 2 of 5 and non-partisan in terms of any

		between the secular and the sacred. The function of the Court is to recognise the sphere which each inhabits, not to force the one into the sphere of the other.'" (Own emphasis.) 12. A defining characteristic of a religious organisation is that they restrict membership to those who adhere to their beliefs. Religious organisations typically employ staff from amongst their members and in accordance with the prescripts of their particular religious beliefs and doctrines. 13. The Regulations, as a result of failing to either define the social work sector in such a way that it would not include religious organisations and/or (alternatively) to expressly exclude religious organisations from being impacted by the Regulations, will give broad and intrusive powers to the State to prescribe to religious organisations who they should employ. 14. Should religious organisations fall within the social work sector, this will force them to hire staff who are not members of the organisation and who do not necessarily adhere to their religious doctrines or beliefs to fill vacancies. This will affect their organisational autonomy and meddle with their doctrine. This is a significant restriction of sections 15 and 31 of the Constitution. It is also a breach of the well-accepted doctrine of entanglement. 15. From a religious freedom point of view, if the Regulations are passed in their current form, the State will have an open door to tell religious organisations how and whom to employ and therefore, how to run their internal affairs, and thus what and how to believe. This amounts to State regulation of religion, which will result in the violation of various rights and freedoms guaranteed by the Constitution, and also undercutting the well-established doctrine of entanglement in our law. 16. In addition, religious organisations, for the most part in this country, are run on a shoestring budget, meaning that most cannot pay market-related and/or competitive salaries to lure employees. The result is that not many people apply to work for (e.g.) churches. Those who do typically accept that they will not be able to be paid market-related salaries. Thus, when looking for potential candidates to fill a vacancy, the pool of candidates from which a religious organisation can choose an employee is often not representative of either the national or provincial economically active population. 17. As a result, failure to exclude religious organisations from the ambit of the Regulations, will have a detrimental impact on the operations (including the social good done by religious organisations, such as feeding schemes, social services, etc.) of the many religious organisations run on a shoestring budget (as they will likely be unable to meet additional legal and financial burdens). **RECOMMENDATIONS:** 18. For this reason, FOR SA recommends that the Regulations specifically exclude religious organisations from their ambit. 19. Alternatively, FOR SA recommends that the social work sector be defined to specifically state who falls within its ambit – and make it clear that it does not include religious organisations
10.4	**HASA (Human**	ANNEXURE 34

		▪ A resolution to be reached between the B-BBEE commission, the Commission for Employment Equity (CEE) and the Department of Employment and Labour (DOEL) regarding an aligned definition of "Designated Groups" prior to the implementation of the sectoral numerical targets. The divergence from adopting the same definition by these two pieces of legislation creates confusion, and anxiety amongst our members who are fully committed to deepening social transformation within our sector. ▪The HASA position paper, with contributions from the Private Hospital groups, Pharmaceutical sub-sector, NPO, Health & ICT sub-sector as well as the Wellness and Professional Healthcare Service Provider sub-sector, is to be considered. This document where Designated Employers within our sector and various sub-sectors have exceeded the set numerical targets of a particular racial/gender group at an occupational level as a result of industry circumstances, such as the uncontrollable dire shortage of specialised skills, should be considered. ▪Our members remain fully committed to set targets towards ultimately reaching their respective EAP demographics, however we appeal that the inspectorate division considers the information, external challenges and suggestions cited in our position paper dated 31 March 2021. For reference refer to "Position paper in response to the Department of Employment and Labour's proposed Employment Equity targets for the Human Health & Social Work Activities Sector", dated 31 March 2021. ▪Whilst we understand that justifiable reasons will be evaluated on a case-by-case basis, the realities which exist within our sub-sector and contained in the "Position paper" informs our huge lack of ability to reach specific race and gender targets as identified on particular levels. We would like to reiterate that this will inform our application of the sector target. ▪As discussed in the meeting, we would not want our members to be reported for fraudulent misrepresentation, based on a misunderstanding or incorrect assumptions which may result in the investigation recommending the withdrawal of the certificate of compliance as published by the Minister. We urge that further clarity on the investigation and appeals process are incorporated to assist with practical application.
11.	**ARTS, ENTERTAINMENT AND RECREATION**	
12.	**REAL ESTATE ACTIVITIES**	
12.1	**SAFCOM Properties**	In my capacity as principal property practitioner and managing member of Safcom Properties, an estate agency registered with the Property Practitioner's Regulatory Authority (PPRA) I would like to express a few areas of concern regarding the regulations as they currently exist under the Broad-based Black Economic Empowerment Equity Act (BBBEEA) and further imposed conditions under the Property Sector Charter Council (PSCC) as they relate to the Employment Equity Act. Prior to introducing my comments, I would like to express my appreciation and desire for an inclusive and diverse industry that encourages participation and employment. For the purposes of my appeals, I will only comment on those that relate specifically to the real estate industry as the EEA proposals relate according to the guidelines of the PPRA

		1. Practical Implications: The proposed sectoral numerical targets, particularly in top management, senior management, professionally qualified, skilled, and semiskilled/unskilled levels, present challenges for property practitioners. Issues such as unattainable goals, and lack of clarity on demographics need to be addressed to ensure practicality and compliance. 2. Regulatory Evolution: We commend the government's efforts in refining the regulations from the May 2023 version to the February 2024 edition. The inclusion of detailed explanations on target determination and guidance for designated employers is a significant step. However, we urge further consideration of the sector-specific dynamics and practical challenges encountered by property professionals. **Challenges Faced by Property Practitioners:** Our members encounter various challenges in meeting the proposed targets and complying with the Employment Equity Act (EEA). The unique structure of the property industry itself, which often lacks the traditional hierarchy seen in other sectors, is a significant challenge. Unlike industries with distinct middle and top management tiers, the property sector typically operates with a more informal organisational structure, where decision-making and leadership responsibilities are distributed differently. This unconventional structure is a challenge to align with the proposed objectives, particularly in terms of defining and identifying middle and top management positions within the sector. Retention and Advancement: Retaining and advancing designated group members is challenging in the property industry due to high turnover rates among agents. The government must tailor policies to address the specific needs of the sector and develop strategies that encourage retention and advancement while fostering a stable and inclusive work environment. This approach is essential for promoting long-term diversity and equity in the industry.
12.3	**Real Estate Business Owners of South Africa (REBOSA) -**	Real Estate Business Owners of South Africa ("REBOSA"), is an independent, non-profit company (NPC), that represents the best interests of business owners and principals of small, medium and large estate agencies operating in the residential real estate sector. **NATIONAL OR PROVINCIAL DEMOGRAPHICS** There is uncertainty regarding which EAP – national or provincial – designated employers must use and this needs to be clarified. The National EAP will apply to designated employers that conduct their business or operations nationally, while the Provincial EAP shall apply where the business or operations are conducted in a particular province. A designated employer cannot, however, use the National or Provincial EAP at the same time, i.e. pick which EAP they wish to apply, but must choose only one demographic to apply and must use that demographic for the entire duration of their EE Plan. Where a designated employer operates in more than one Province, the employer may choose the EAP of the Province with the majority of employees. **DESIGNATED GROUPS** A key challenge is that the new draft regulations do not include separate numerical targets for African, Coloured, Indian and White employees. Instead, they include one percentage target for "designated groups" (defined as black people, women and people with disabilities), further differentiated by male and female. A percentage target is also set for employees with disabilities – which is not broken down across the 4 top occupational levels or genders. The Regulations stipulate race and gender targets in various economic sectors per industry and on a national and provincial level. No guidelines are given as to how these economic sectors are to be interpreted, which will no doubt lead to anomalies. Should the numerical targets be accepted in their current form, designated employers

		It is recommended that the effective date as well as the start of the 5-year period be clarified. It is recommended that clarity should be provided on when employers would be viewed as non-compliant (would this be in year 1 or at the end of year 5) and at what stage would the Minister be applying to the Labour Court for fines or when the employer would not be able to obtain a certificate of compliance.
13.2	**South African Real Estate Investment Trust (SAREIT)**	Significant Discrepancies and Challenges: We have identified significant discrepancies between the actual composition of our top management and the proposed targets that raise concerns about their attainability: Top Management Male: ▪ The current REIT benchmark at 14.50%, with a proposed target of 25.0%. This requires an annual increase of 2.1% over five years. Top Management Female: ▪ The current REIT benchmark at 9.90%, with a proposed target of 20.0%. This requires an annual increase of 2.02% over five years. Achieving these targets would necessitate nearly doubling the representation in some categories within a five-year period, implying a near-complete turnover of staff at higher levels. This scenario poses significant risks to the stability and continuity of our operations. The exceptionally low turnover rates within the REIT sector, especially at senior and top management levels, create a static environment where new opportunities for upward mobility and entry are scarce. The continuity of leadership is beneficial for maintaining institutional knowledge and operational stability. Contraction of the Industry: The real estate sector, particularly within REITs, has experienced a notable contraction in recent years. The number of active REIT members has significantly decreased, reflecting a broader industry downturn. This economic contraction, combined with a challenging economic climate marked by factors such as high interest rates and political instability, severely limits our ability to expand our workforce. Consequently, this limits our efforts to introduce and integrate more diverse talent into our organisations as opportunities for new hires are diminished.

		there has been no indication whatsoever from the Minister / Department as to whether the Draft 2018 Draft Regulations will, since the public comment process closed in 2018, be amended or whether the Department intends to publish them for promulgation in the same draft form (with no amendments) as in 2018. If that is the case, the Retail Association brings Regulation 7A (1) (a) Of the Draft 2018 Regulations to the attention of the Minister. Regulation 7A (1) (a) states as follows: For the purpose of determining a numerical target in terms of section 7A, any relevant criteria may be taken into account including– • the qualification, skills, experience [and the capacity to acquire, within a reasonable timeframe, the ability to do the job]; • the rate of turn-over and natural attrition within a sector; and • recruitment and promotional trends within a sector. The Retail Association is firmly of the view that without taking into account information / data that provides insight into how many suitably qualified people (% of designated people within the EAP who can do the jobs) there are from designated groups to do the jobs within the occupational categories where there are statutory numerical targets, that such targets would be irrational and in fact, serve no purpose, particularly in an economy that has and continues to be battered. The Department also appears to have little regard to the significant impact a 2% target has on large employers (like retailers – some employing more than 20 000 employees). The Retail Association is of the view and submits that if the Department insists on a 2% disability target of a total workforce, that it must transparently share with stakeholders, how it determined the 2%.

Senior Management	56%	56%	Agreement
Professionally Quali	75%	75%	Agreement
Skilled Tech	88%	88%	Agreement
Persons with Disability	2%	1,5%	Disagreement

Top Management and Senior Management: Rates of turnover and natural attrition within the wholesale and retail sector

It is the view of the sector that the rate of staff turnover, natural attrition, recruitment and promotional trends, skills and qualifications required to do the job are important factors that must be taken into account. These factors will largely determine the rate at which employers will be able to meet the targets prescribed by the Minister.

It is our experience that the rate of turnover and natural attrition at the top management occupational level is low, as a considerable amount of time and resources are invested to ensure that individuals who occupy these positions have up to 30 years of wholesale and retail experience. This means that a career path and developmental plans must be invested up at the entry level occupation for the designated groups and African, Coloured and Indian (ACI) employees respectively. This should have a significant bearing on the targets that are proposed for the Top Management occupational level, as this would require time and resource investments for a period of more than 5 years.

This is indicative of the shortage of suitably qualified individuals required in this occupational level. Furthermore, the structured retention strategies need to be developed and entrenched in the organisation to ensure that the targeted individuals do not leave the organisation whenever other opportunities arise.

People with Disabilities

It has been confirmed that currently there are no official STATS SA statistics available in so for as the Employee Assistance Programmes (EAP) for disabled persons in South Africa. While the wholesale and retail sector is committed to employing people living with disabilities, it is concerned that the disability target proposed by the DoE&L is not informed by evidence of what is realistically possible for the sector.

The challenge of people living with disabilities requires a different approach which necessitates basic education (early learning). It is a known fact that in most instances, there are no special schools available for people living with disabilities, some of whom may be excluded from the mainstream school system due to the nature of their disabilities, limiting their employment opportunities. The education of children with disabilities should be prioritised by the government as this would increase their chances of being eventually employed by employers who already have policies in place to recruit and employ people living with disabilities.

In response to these challenges, the sector has partnered with the Wholesale and Retail SETA ("W&R Seta") to identify occupations in the sector that will best suit people with disabilities. These occupations will be industry specific and would be best suited for people with disabilities. Furthermore, W&R Seta will contribute to stipends and funding for training and other development interventions.

15.	**ACCOMMODATION AND FOOD SERVICE ACTIVITIES**		
15.1	**SUN INTERNATIONAL LIMITED**	**THE USE OF EITHER NATIONAL OR REGIONAL (PROVINCIAL) EAP DEMOGRAPHICS** Section 42(1)(a) of the Employment Equity Act 55 of 1998 ("EEA") specifically states that in determining whether a designated employer is effectively implementing employment equity, the extent to which suitably qualified people from and amongst the different designated groups are equitably represented within each occupational level in that employer's workforce in relation to the demographic profile of the national and regional economically active population ("EAP") must be taken into account. Section 42(3) specifically indicates that "without limiting section 1(a)" the regulations issued by the Minister may specify circumstances under which an employer's compliance may be determined with reference to the national or regional EAP. It is unclear from the Republished Draft Regulations when a designated employer will be regarded as "conducting their business / operations nationally." One interpretation is that only a designated employer operating in all nine provinces must apply the national EAP, and only a designated employer operating in a single province must necessarily apply the EAP of that particular province, alternatively if a designated employer is operating in two provinces it must apply the EAP of the province where the majority of its employees are located. Another interpretation is that a designated employer has an election to apply either the national EAP or the EAP of the province where most of its employees are based, irrespective of the number of provinces it operates in. In addition, Section 42 of the EEA does not provide sufficient justification to choose either the national or regional EAP. Despite an earlier amendment to section 43(1) where the word "must" was amended to "may," it is submitted that the framework of the EEA continues to provide a discretion for a designated employer to consider both the national and regional EAP in adopting and implementing its employment equity plan. In this regard, the Republished Draft Regulations are inconsistent with this approach to the extent that it prescribes that a designated employer may only consider either the national or the regional EAP in setting its annual numerical goals.	

		indication whether a designated employer will be required to comply with specific targets for each population group (i,e., African, Coloured, Indian and White) or whether broad compliance with overall designated group representation that aligns with the sectoral numerical targets is sufficient. It is apparent from section 15 of the EEA that numerical targets may not amount to quotas. However, the unrealistically high targets proposed in the Republished Draft Regulations, as was the case in the Draft Regulations, would have the same impact as quotas and would require arbitrary employment policies, procedures and practices to implement. The case law also requires that any numerical targets must not be applied haphazardly. In this case, the lack in the Republished Draft Regulations setting out the rational connection between the various components and factors as well as the way in which relevant data was applied as a basis for the proposed targets, amounts to such haphazard application. In addition, but subject to section 42 of the EEA (which now includes consideration of the sectoral numerical targets) nothing in section 15 of the EEA requires that employers establish an absolute barrier to prospective employment or advancement of people who are not from designated groups. Where targets are particularly difficult to achieve and where they appear to set absolute minimums, it is difficult to reconcile that it does not amount to quotas and an absolute barrier. Based on the above, the indication that "affirmative action must be applied in a nuanced way" in the Republished Draft Regulations has little, if any, practical implication. **DURATION OF EMPLOYMENT EQUITY PLAN** Section 20(e) of the EEA states that a designated employer's EEA may not be shorter than one year or longer than five years. In light of the 5-year sectoral numerical targets, it is unclear whether it would be practical for a designated employer's EEA to be shorter than 5 years and practically dilutes a designated employer's legitimate entitlement to set the duration of its EEA in terms of the EEA. It is also similarly unclear on how an EEA plan of less than 5 years will be assessed in relation to the 5-year sectoral numerical targets. Furthermore, while the targets are for 5 years, the EEP requires self-set annual numerical targets which the Inspectorate could hold us to, thus potentially rendering us non-compliant and the converse is also unclear. If we accede our targets for year 1, will we be expected to adjust our targets for subsequent years? The Republished Draft Regulations are not clear on this aspect and the Director-General's reviews are random. **JUSTIFICATIONS FOR NON-COMPLIANCE** There is no guidance furnished on the manner and form in which a designated employer is expected to demonstrate the presence of justifiable grounds that made compliance with the sectoral numerical targets impossible. There is also no indication of whether this demonstration or submission must be made at the instance of when the designated employer realistically becomes aware that compliance with the sectoral numerical targets will not be possible or only after the conclusion of the 5-year period when compliance with the sectoral numerical targets is expected. Furthermore, there is no clarity on whether the list of justifiable grounds is exhaustive or if there may be other factors, including but not limited to, sectoral impediments or specific challenges or vulnerabilities connected to an individual employer that can be considered as justifiable grounds for non-compliance with the sectoral numerical targets. Moreover, it is unclear whether the presence or the relevance of a single justifiable ground

		Services and Others (CCT 78/15) [2016] ZACC 18. It was held by the Court that where a Designated Employers has a national footprint, it should use the applicable National and Regional/Provincial EAP in setting Goals for employees that are employed in its operations in a particular Province/Region (see Paragraphs 65 to 82 of the judgment). This means in practice that any designated employer that has businesses/operations in different provinces need to set Goals for all its businesses/operations in each such province by applying the National and each applicable Province's EAP. That designated employer's EE Goals for each Occupational Level is then arrived at by aggregating each Province's EE Goals for each Occupational Level. The National EAP cannot be used by such an employer, as that will result in discrepancies between the provincial operations' aggregated goals, and any NEAP aligned EE goals that may be set for the employer in the different Occupational Levels, and an inability to achieve the organisations' overall Goals. It is proposed that the Honourable Minister amends these directives, accordingly, failing which they are likely to be challenged in Court based on the DEL not having applied its mind to the matter in view of the above provisions of the Act and the rationale behind the Court's decision. **Regulations 3.4.4 and 3.4.6 conflict with the provisions of the EE Act as amended in 2014, read together with the 2014 EE Regulations or with the 2022 EE Amendment Act by the enactment of.** It is submitted that the placing of restrictions on the setting of EE Goals in Regulations 3.4.4 and 3.4.6 conflict with the Act and should be scrapped. **The provision in Regulation 3.4.4 that 'Targets' should NOT be set for certain groups in conflict with the Act as amended. Regulation 3.4.4. reads as follows 'Employers should not set targets (our emphasis) for those groups whose representation have already exceeded their EAP in a particular occupational level.'** This is in direct conflict with the provisions of Section 20(2)(c) of the EE Act as amended, read together with Clause 7.4 of the 2017 Codes of Good Practice on the Preparation, Implementation and Monitoring of the Employment Equity Plan ('the EE Plan Code') and the EEA13 of the 2014 EE Regulations, which requires EE Numerical Goals to be set for each race and gender Group. This conflict can possibly be resolved by the insertion of the 'higher' between 'no' and 'targets. However, this could bring it into conflict with Section 20(2) of the Act as to be amended by the 2022 EE Amendment Act, as illustrated below regard to Regulation 3.4.6. **The provision in Regulation 3.4.6 potentially in conflict with Section 20(2) of the Act as to be amended by the 2022 EE Amendment Act** **Regulation 3.4.6. reads as follows:**

		It is proposed that the rules and process, as well as forms required to be completed, for the application for a Compliance Certificate be included in the finalised regulations. It is submitted in this regard that the 2018 Draft EE Regulations containing such information has no force or effect.
16.2	**The Western Cape Governme nt ("WCG")**	Section 15A(2) of the Act, in terms of which these Regulations will be issued once in operation states that: "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)."It is submitted that, due to the use of "may", not "must", there is no obligation on the Minister to issue the Draft Regulations. It is further submitted that, for the reasons that are set out below, it is not in the interest of the country for the numerical sector targets to be set as proposed therein, and that the Minister should exercise his discretion not to do so. The Draft Regulations on Proposed Sectoral Numerical Targets should accordingly be withdrawn, and the Amendment Act repealed insofar as it was enacted unlawfully pursuant to the incorrect process. Whilst the WCG acknowledges the need for redress, it disagrees in principle with the approach adopted in the EEA and the 2024 Draft Regulations. It is recommended that the national government consider alternative interventions, which address the causes of underrepresentation, starting with widespread access to quality education, skills development training and apprenticeships, to enhance employability amongst vulnerable groups. As recommended in the previous comments submitted, it is recommended that education-based outcomes be utilised to address the skills shortages that have historically made it difficult for employers to meet numerical sector targets.

		It is proposed that a comprehensive labour market assessment be conducted to determine the availability of the requisite skills for each targeted sector. This may be considered as part of the Commission for Employment Equity (CEE) annual reporting. The CEE comprehensively reports on the country's labour market as it impacts employment equity, but does not currently profile the country's availability of skills in relation to the proposed numerical targets. Methodology to set targets is vague Stakeholders require the equation used to derive the five-year sector targets, or at least the weighted importance of factors listed in paragraphs 3.1.1, 3.1.2, 3.1.3 and 3.1.4, to accurately access the target setting methodology and to determine whether it overly relies on the EAP4. Designated employers' decision to apply the national or provincial EAP is ambiguous and may not be responsive to business change The 2024 Draft Regulations should clarify the definition of "nationally" in paragraph 3.4.8, specifying whether it refers to businesses operating in all nine provinces of the country or provide criteria for designated employers to determine "nationally" (e.g. considering geography, turnover and employee numbers). The 2024 Draft Regulations should enable greater flexibility and reduce confusion by removing the provision that designated employers may choose the EAP of the Province with the majority of employees. Instead, designated employers who select Provincial demographics should consider the EAPs of all provinces in which they operate and provide balanced targets in their EE Plans for each occupational level based on the location of the majority of employees at that occupational level. The 2024 Draft Regulations should allow designated employers to change the EAP selected in year one in response to external shocks or changed business circumstances that affect operations in years 2, 3, 4, and 5. There is a possible contradiction in the method a designated employer uses to set annual EE targets to reach the overall five- year EE targets.

		It is recommended that the possibility of putting in place a mechanism for an independent person to review a designated employee's compliance with chapters II and III / expeditious resolution of disputes before the Director-General applies to the Labour Court. **No transition strategy from existing EE plans to sectoral targets** The 2024 Draft Regulations should include transitional provisions and guidelines for Designated employers to plan for 2024 and 2025 as they move from setting their own targets to following the Section 15A approach. **Rationality and the need for avoidance of inflexible quotas** To improve the text, it is recommended that a legislative drafter review the text using generally accepted Commonwealth legislative drafting practices as well as enlist the support of a language practitioner familiar with these practices. The WCG is extremely concerned about the impact that the imposition of sectoral numerical targets ("sector targets") will have on investment and business confidence. This is particularly in terms of the additional burdens they will place on businesses and employers from an ease of doing business perspective, adding to the already excessive amount of red tape employers have to contend with. The imposition of such

		In terms of gender balance, we believe there is a need for nuanced consideration within our specific sector and request that the unique dynamics present in our field are taken into consideration. Historically, the education industry has seen a higher proportion of female representation across various roles, including teaching, administration and support staff. For a variety of reasons, the education industry exhibits a majority of females in occupations in the education sector and the draft gender targets may inadvertently overlook the existing gender distribution within our workforce. There is a higher female composition in the sector across occupational levels. We believe that the current approach to gender composition targets requires reconsideration. We humbly request that policymakers take into account the existing gender landscape within the education industry that reflects the current demographics and would like it to be noted that it is unlikely that this would change within the next five years and/or beyond. **Disabilities** We are in agreement with the expanded definition for disabilities, recognising the diverse range of conditions and impairments that individuals may face. This broader definition is a crucial step towards fostering a more inclusive and accommodating work environment for our employees. 1 However, we have identified a significant obstacle in achieving the specified 2% target for disabled employees, particularly regarding the reliance on self-classification by employees. While we fully respect and uphold employees' rights to disclose or not disclose their disability status, we have observed a reluctance among many individuals to self-identify, even in cases where disabilities are physical and potentially visible. We believe that the current approach to disability employment targets may inadvertently hinder progress due to challenges associated with self-identification. We encourage policymakers to explore alternative strategies that take into account the complex and nuanced nature of disability disclosure.
17.2	**ADTECH GROUP**	Our thorough analysis has led us to express concerns about the proposed legislative revisions, particularly their impact on the selection process for potential candidates within the education sector. The education sector's unique operational complexities, including a limited candidate pool, a largely stagnant pool of annual new graduates, and a significant gender imbalance, particularly in the underrepresentation of male educators, require tailored solutions. These challenges significantly hinder our efforts to promote equity in recruitment practices. For illustrative purposes, the draft regulations proposed gender distribution targets set at 35% for males in the Professionally Qualified category and 42% for males in the Skilled Staff category. These targets starkly contrast with the current demographics within the teaching profession, where 70% are female and 30% male, as registered by the South African Council for Educators (SACE). The mandatory employment of SACE-registered teachers renders these targets unattainable. Moreover, an examination of tertiary education institutions reveals a notable proportion of graduates, exceeding 45%, are international students and, therefore, not included in the domestic talent pool as per the sectoral targets. Research indicates a racial disparity in attaining PhDs, a statutory requirement for teaching at specific levels within the National Qualifications Framework (NQF). The pipeline for

		International Convention on the Elimination of All Forms of Racial Discrimination(ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD),8 while being clearly at odds with the spirit of substantive equality that underpins the South African Constitution and its equality laws, including the Employment Equity Act. Furthermore, we align with BMF's contention, as presented by Mr Ndlovu, that targets must be negotiated in good faith with a clear direction and that the problem appear not to lie in lack of candidates from the designated groups but rather in company bottle necks regarding rising to top management.9 The problems in this regard seem to include a revolving door syndrome and stagnation of designated groups at entry level and middle management, while white men continue to dominate top management in the private sector. This apparently points to organizational barriers that may include residual discriminatory cultures as opposed to lack of suitably qualified candidates. We further note concerns expressed by Mr Craig Laurence who also presented at the CSJ Roundable and suggest the DoEL takes cognisance of such concerns and provide the necessary clarity in final regulations regarding: (1) Whether the 5th-year target can be determined by an employer like with other years, or the sector target is mandatory, should be clarified); and (2) The determination of targets in a manner that is not fair to social groups such as Coloureds that are underrepresented in the EAP in some provinces while predominating in others such as the Western Cape. The fear expressed was that the current formula has an unfair impact	
18.	**ADMINISTRATIVE AND SUPPORT ACTIVITIES**		

		5. NEASA considers any consultations and procedures undertaken by the Minister and Department in purported compliance with section 15A prior to it becoming operational as mandated by the 2022 Amendment Act, to be steps taken ultra vires the empowering legislation and void. 6. It is our client's stance that the consultation process delineated in Section 15A shall commence exclusively upon the relevant section's enforcement. Our client rejects any assertion that section 15A's formalities can be satisfied before its implementation, given their prescriptive nature and dependence on the operative status of said sections. 7. Furthermore, our client contends that any public participation and consultation measures pursued by the Minister and Department prior to the pertinent section's enforcement shall not constitute proper compliance. Any publication of sectoral targets under section 15A in lieu of the current consultative processes followed by the Minister, shall be reviewed on the basis of such processes being defective and procedurally irregular. 8. The current consultative process conducted by the Minister and the Department is misleading concerning the binding nature of the process and the significance of the consultative process in relation to the ultimate determination of sectoral targets by the Minister. If the process has not yet been authorised due to section 15A being inoperative at this juncture, the public ought to have been informed by the Minister that their involvement in this consultation round is, at best, pre-consultative in nature. 9. It is unclear why the Minister is engaging in such consultative proceedings, which are both unnecessary and costly, given that proper consultation will be required prior to the publication of any future sectoral targets once section 15A becomes operative. This constitutes not only a considerable waste of public funds but also a misuse and abuse of public trust and time. 10. NEASA hereby requests that the Minister and the Department immediately cease unnecessary public consultations and that they inform the public of the current consultation process' defect. Additionally, we seek an undertaking from the Minister that he and his Department will comply with section 15A upon it becoming operational, ensuring proper consultation processes are adhered to. 11. Please be advised that should the Minister fail or refuse to comply with his procedural and consultative obligations under existing law, our client reserves the right to seek a review of such proceedings and pursue further alternative relief as necessary to protect the public interest, which might also include urgent applications for interdictory relief.

		It is our view that the pre-conditions for the publication of proposed sectoral targets for public comment have not been met, in that: The Minister has failed to first identify national economic sectors and sub-sectors in the Government Gazette for public comment as contemplated in section 15A(1) and (4) of the EE Amendment Act. The draft Employment Equity Regulations, 2018 GN 993 of 2018 (the 2018 Regulations), which make provision for the 18 economic sectors in EEA17, were published well before the Employment Equity Amendment Bill was signed into law by the President on 6 April 2023. As such it was ultra vires the Minister's powers, and thus cannot constitute compliance with section 15A(1) and (4) of the EE Amendment Act. In the circumstances, EEA17 is not in force and the reference to EEA17 in Regulation 2 of the Draft Regulations is of no force and effect. The 2018 Regulations are in any event still in draft form. Once the national economic sectors and sub-sectors are identified, the Minister is then required to consult with the sectors and sub-sectors concerned in terms of section 15A(2) of the EE Amendment Act on any proposed sectoral targets. No such consultation has taken place with RMI since the EE Amendment Act was signed into law on 6 April 2023. Publication of proposed targets for public comment is not the same as a consultation process contemplated by section 15A. There is good reason for consultation, because there are various nuances applicable to all sectors, sub-sectors, occupational levels and regions. Each sector and sub-sectors ought to be provided with an opportunity to be heard and to make representations before any targets are proposed and published for comment. Only once the consultation process is concluded, should the Minister issue the draft sectoral targets for public comment in the Government Gazette. It is therefore submitted that the procedural jurisdictional facts, wherein section 15A envisages a multistage process, have not been met by the Minister. For completeness' sake, the correct sequence of procedural requirements contemplated by section 15A is as follows: The Minister must identify the proposed economic sectors and sub-sectors, publish the proposed sectors and sub-sectors in the Government Gazette, and, in terms of section 15A(4), invite public comment for a period of at least 30 days. The Minister must seriously consider all public comments, amend the economic sectors and subsectors if warranted, finalise the economic sectors and sub-sectors, and publish same. Once the sectors and sub-sectors have been identified and published, the Minister must consult with the sectors and sub-sectors on the proposed sectoral targets. After consultation with the sectors and sub-sectors concerned and on the advice of the Commission for Employment Equity, the Minister must publish the proposed sectoral targets for public comment for at least 30 days. In this regard, the Minister may very well need to set different numerical targets for different occupational levels, sub-sectors or regions within a sector, as envisaged by section 15A(3). The Minister must seriously consider all public comments, amend the sectoral targets where applicable, and finalise and publish the sectoral targets.

		and motorcycles. Applying these SIC Codes would prevent the situation where clothing and food retailers are lumped together with motor vehicle and motorcycle retail operations. We reiterate with reference to the attached Proposal, that RMI has already proposed targets for the various sub-sectors. It appears to us that these representations were disregarded. This is particularly so when one takes into account that the targets for "professionally qualified & middle management" and "skilled technical" for Sector 14 have not changed from the numbers discussed in 2021, the proposed sectoral targets published in 2023, and the proposed targets now contained in the Draft Regulations. Such process lends us to be of the view that the Department has simply "gone through the motions" in proposing sectoral targets. In doing so, the Department denied RMI a fair and just process as contemplated by the EE Amendment Act, to its prejudice and to the prejudice of its members. In the circumstances, RMI's view is that the method of identification of the proposed sectors is irrational, the failure to set targets for the appropriate sub-sectors is also irrational, and that, consequently, the proposed targets are irrational. We are further of the view that there is a more fundamental objection to the sectors and the targets set out in the Draft Regulations, and this is that the prescribed procedures, in the required sequence, have not been adhered to by the Department, as detailed above. As regards our engagement with the Department prior to 6 April 2023 when the President signed the EE Amendment Act into law, we state as follows: We engaged with the Department on the issue of sectoral targets from about April 2021, covering the range of automotive activities, namely retail, service and manufacturing. We engaged in these sessions with the Department in good faith, as the empowering legislation was not signed into law at the time. Our engagements were always prefaced on the understanding that the Department would comply with its statutory obligation to consult with the identified sectors, including RMI, once the EE Amendment Act had come into effect. In the absence of the EE Amendment Act having come into effect at that time, no consultation in terms of section 15A had or could have taken place. **4. APPARENT INTERNAL INCONSISTENCIES BETWEEN REGULATIONS 3.4.2, 3.4.4 AND 3.4.6** Draft Regulation 3.4.2 states: "Designated employers must take their workforce profile, the relevant 5-year sectoral numerical targets and the applicable EAP into account when setting annual numerical targets in their workplace(s) as required by Section 20(2) of the EEA." This supports the principle in section 15(1) of the EEA that a designated employer must set numerical goals and targets for the different race and gender groups. This would be with a view to ensuring that suitably qualified people from designated groups are equitably represented in the occupational levels in the workforce of the designated employer. However: Draft Regulation 3.4.4 states: "Employers should not set targets for those groups whose representation have already exceeded their EAP in a particular occupational level"; and Draft Regulation 3.4.6 states: "Where a designated employer has exceeded the set numerical target of a particular racial / gender group at an occupational level, such an employer may not regress in that particular racial / gender group but should set targets towards the EAP." It is not clear how the goal of equitable representation will be met if targets are not set for groups in respect of which the relevant EAP / sectoral targets have been exceeded. On the wording of Draft Regulation 3.4.4 (no internal targets necessary if the targets have been exceeded) and Draft Regulation 3.4.6 (no "regression" permitted), the result may well be the over-representation of a particular race or gender group. By way of example, if Indian males are over-represented with reference to the EAP, such over-representation must be maintained, and it would not be necessary to set targets for this particular race / gender group. This does not align with the objective in section 15(1) of the EEA to achieve "equitable representation". It may also create absolute barriers to the appointment and/or promotion of under-represented groups. Practically, it is difficult to understand how a designated employer can exceed the set numerical target of

		are unique as there is a higher concentration of Coloured people in the Western Cape and a higher concentration of Indian people in KwaZulu-Natal in comparison to the national EAP or other provincial EAPs. If the demographics of national EAPs are applied in provinces such as the Western Cape or KwaZulu-Natal, then this would undermine the purpose of the EEA to promote the equitable representation of designated groups in all occupational levels. Moreover, this has been considered by the Constitutional Court2 wherein it was held as irrational for the Department of Correctional Services to ignore provincial EAPs when setting numerical goals and targets and was required to consider both the national EAP and provincial EAP. In the circumstances, RMI suggests that the Draft Regulations on the use of national and provincial EAP's be revisited to allow a designated employer to use both the national and provincial EAP, where appropriate
18.4	**TSEBO SOLUTIONS**	**THE USE OF EITHER NATIONAL OR REGIONAL (PROVINCIAL) EAP DEMOGRAPHICS** 5 Section 42(1)(a) of the Employment Equity Act 55 of 1998 ("**EEA**") specifically states that in determining whether a designated employer is effectively implementing employment equity, the extent to which suitably qualified people from and amongst the different designated groups are equitably represented within each occupational level in that employer's workforce in relation to the demographic profile of the national **and** regional economically active population ("**EAP**") must be taken into account. Section 42(3) specifically indicates that "without limiting section 1(a)" the regulations issued by the Minister my specify circumstances under which an employer's compliance may be determined with reference to the national or regional EAP. 6 It is unclear from the Republished Draft Regulations when a designated employer will be regarded as "conducting their business / operations nationally." One interpretation is that only a designated employer

18.5	THE CONSOLIDATED EMPLOYERS ORGANISATION OF SOUTH AFRICA (CEOSA)	**Background and Events Since June 2023** While it may not be prudent for the sake of this commentary to address the background to the origination of the draft proposed sector targets, it absolutely must be pointed out that the consultative process embarked on by the Department of Employment and Labour (DOEL) in seeking industry input was woefully inadequate in the eyes of CEO, during the first round of commentary as well as the current round of public comment. As already mentioned, CEO is a large employers organisation having members in every sector of the economy and in every sector for which the targets are proposed. Only once during this entire exercise, did CEO receive an invitation to discuss proposed sector targets, this was in the transportation sector and was on the 16th of August 2022. Despite various parties who attended said meeting, including CEO, expressing our dismay at the lack of inclusion of the input of parties in addressing the proposed sector targets, these pleas fell on deaf ears. Even though numerous questions were raised as to the lack of proper consultation with the industry, the Committee in that scenario remained steadfast on proceeding with business of the meeting. The impression this gave was that consultation was but a proverbial tick-sheet exercise. Upon consultation with many of our members as well as other role players that operate within the collective

		and or enforceability of the proposed targets. In addition to the above, when CEO delivered commentary on the National Minimum Wage a short while ago, much emphasis was placed on the fact that instead of the State ceaselessly interfering with business and its operations, the State should rather focus on much more pressing issues such as creating jobs and opportunities for all South Africans. This same sentiment rings true once more when it comes to the proposed sector targets. Why interfere in the private sector? The same sector that is being crippled by unrelenting load shedding, inflation and an unsavoury business environment yet is bringing in all the resources for the rest of the country. Legal Uncertainty of the Proposed Targets While the Act seems to address concerns in relation to not meeting the targets in terms of the non- exhaustive list of justifiable reasons that an employer can proffer, also contained in the Solidarity agreement, there still exists much apprehension on the part of employers as to how the labour inspectors, or DOEL for that matter, will interpret or apply the legislation in relation to any reasonable explanations provided by employers and the potential ramifications that may stem from same. This apprehension stems from the fact that many employers are concerned as to the capacity as well as technical ability of labour inspectors in relation to how they will apply the laws. This apprehension is shared by CEO. CEO handles numerous compliance related disputes on behalf of our members at the CCMA that emanate from compliance orders issued by inspectors all over the country. With respect to the inspectors, from CEO experience, the fact is that most of these compliance orders often lack merit and when they are defended at the CCMA for instance, majority of the time the inspector or DOEL does not even show for the case. This begs the question as to what kind of recourse will employers have in the event of a compliance order being

		one umbrella for instance would be improper as the sector is made up various subsectors and businesses whose profile and business model differs quite significantly from those included under the general umbrella. This same sentiment rings true in other sectors as well and again creates a problem of implementing a general target in business whose business model or profile may be completely different to a similar entity falling under the same sector.

18.7	**South African Institute of Race Relations NPC (IRR)**	ANNEXURE 35 3.2 Rules regarding the minister's five-year sectoral numerical targets The Regulations state that 'the proposed 5-year sectoral numerical targets' ('the minister's targets') are 'minimum targets and are key milestones towards achieving the equitable representation of the different designated groups within each occupational level... in relation to the demographics of their applicable EAP'.16 The minister's targets 'are not intended to add up to 100%'17 and 'employers should not set targets for those groups whose representation has already exceeded their EAP in a particular occupational level'. In addition, 'where a designated employer has exceeded the set numerical target of a particular racial/gender group at an occupational level, such an employer may not regress in that particular racial/gender group but should set targets towards the EAP'.19 This wording is obscure and difficult to understand. Does it mean, for example, that if a black female senior manager in the water supply, sewerage, waste management and remediation activities' sector resigns, that the employer must immediately replace her with another black female if the employer is not to 'regress'? What the Regulations say about national and provincial EAPs is confusing too. Under Para 3.4.8, 'the National EAP shall apply to designated employers conducting their business/operations nationally, and the respective Provincial EAP shall apply to designated employers conducting their business/operations in a particular province'.20 What then of a supermarket chain that has its headquarters in Gauteng, where all business operations are planned, financed, managed and largely implemented, but which also has its retail outlets (without which no sales could be made and the business would collapse) in the coastal provinces of KwaZulu-Natal, the Eastern Cape, and the Western Cape. The business could be seen as 'operating nationally' – which would suggest it must use the national EAP – but it also has an important presence, without which its business operations could not survive, in three different provinces, each with very different provincial EAPs. Para 3.4.8 goes on to stipulate that 'designated employers must choose only one demographic (ie either national or provincial, based on their geographical presence within provinces)'. However, this provides no solution to the conundrum outlined above. It also breaches the doctrine against vagueness of laws, as different officials are sure to interpret this part of the Regulations in different ways at different times. The Regulations then attempt to solve one part of this problem by saying that 'a designated employer who chooses to use the provincial EAP and operates in more than one province, may choose the EAP of the province with the majority of employees'.21 However, this could generate considerable injustice. It is also inconsistent with the wording of the EE Act, which obliges the Director General of Employment and Labour, in assessing a designated employer's compliance with the statute, to take account of 'the demographic profile of the national and regional economically active population' (emphasis supplied).22 Under the Regulations, by contrast – if the biggest retail outlets and the highest number of employees are in the Eastern Cape – this will bar any consideration of the very different provincial EAP figures in both the Western Cape and KwaZulu-Natal. This proposed rule is also clearly ultra vires the EE Act. A similar confusion is also likely to arise in other spheres. Under the Regulations, the minister's targets apply only to 'the four upper occupational levels': these being 'top management', 'senior management', professionally qualified and middle management', and 'skilled technical'. However, 'designated employers are still required to set numerical goals and annual EE targets for all population groups at

		given that affirmative action seeks to create a fair and inclusive workplace, and employers should strive to meet targets at the same time as overcoming practical challenges, rather than simply use these challenges as an excuse. 3.3 Draft Regulation 5: 5-Year Sectoral Numerical Targets for All Sectors: Draft Regulation 5 contains a table setting out the sectoral numerical targets in the identified sectors. While these set targets will ultimately achieve racial transformation in the identified sectors, the CGE is concerned that this may not necessarily achieve gender transformation. This is because the proposed ratio in the sections benefit male employees more than the female employees. At each level in every sector, the ratio for designated males is higher than that of designated females, and the remaining portion of non-designated employees remains at the discretion of the employer. If it happens that the remaining non-designated portion are also all male, the total percentage of female employees remains low. Given that this situation cuts across all occupational levels in all sectors, the potential for female employees to be marginalised by the proposed ratios remains high. The CGE therefore recommends that the proposed sectoral targets for female designated groups be higher than that of the designated males, in order to achieve for effective gender transformation. 3.4 General comments The Draft Regulations relate to several different economic sectors but do not include the legal sector. In 2008, the CGE, in collaboration with Democratic Governance and Rights Unit (DGRU) and Sonke Gender Justice, adopted a discussion document entitled 'Discussion Document on Gender Transformation in the Judiciary and the Legal Sector'. The discussion document illustrated that only 27 per cent of advocates at the General Council of the Bar were women, and that women also constituted a small percentage of women councillors at South African law societies. Given the low representation of women within the legal sector, the Commission recommends that the legal sector should be included within the Draft Regulation.
2.	SAKELIGA	**PARTS 1 TO 4 OF THE DRAFT REGULATIONS** **List of Economic Sectors[4]** 20. The Draft Regulations publication does not give an indication of compliance with section 15A(2) of the Act – consultation with the relevant sectors. Who were consulted and what was the outcome? The public does not know. 22. While the extent of suitably qualified people is indicated as a factor, there is no indication as to how the Minister determined the extent of suitably qualified persons per sector. The latest 2022 EE workforce profiles does not provide this information. It seems that the extent of suitably qualified people per sector was not considered at all, rendering the Draft Regulations irrational, unlawful and un-Constitutional. 23. The latest 2022 EE workforce profile publication does contain some data about the current workforce racial profile per sector and the EAPs for male and female designated persons, but the publication does not serve as a valid basis for the setting of any "targets". Workforce racial profiles are based on reporting data from those "designated employers" that submitted reports in 2022, being only 27,532 reports covering around 7.2 million

3.	**Business Unity South Africa (BUSA)**	**Lack of adequate consultation** The Act is a significant piece of legislation that requires both the Government and the private sector to act in the best interest of the country. In order to ensure the successful achievement of the transformation goal, it is crucial for the Department to engage in a lawful consultation process with the sectors involved. BUSA believes that the Department's "consultation" process with certain sectors (which began in 2018, prior to the amendment of the Employment Equity Act) does not relieve the Department of the responsibility to conduct a properly constituted consultation process now that the amendments have been passed and the Bill has been assented to by the President. BUSA has consistently emphasised that a comprehensive and detailed consultation process should be conducted before the finalisation of the regulations, taking into account the complexity of analysing and compiling employment trends in certain industries, particularly those without strong industry associations. BUSA is of the opinion that the proposed targets in the 2024 Draft Regulations have not resulted from a lawful consultation process. These targets may not align with the Solidarity Agreement, potentially leading to unnecessary litigation, and they do not appear to fully consider the specific circumstances faced by designated employers who are currently grappling with numerous economic headwinds and challenges. Although the terminology used to describe the targeted percentages has changed from "Black Representation" to "Designated Persons," which now includes individuals with disabilities, there has been no consideration of submissions highlighting the unique factors that sectors must address, such as economic, social, skills (both scarce and critical), technological, and legislative factors. The only substantive change in these draft regulations was made in relation to the Finance and Insurance Sector, where corrections were implemented. All the other sector targets have essentially remained unchanged. Unfortunately, this renders the targets unreasonable and unjustifiable. BUSA urges the Department to demonstrate that it has taken into account the specific submissions provided by sector stakeholders. It seems unlikely that the overall ministerial targets for the "designated group" can remain unchanged from the previous draft regulations if the submissions were indeed considered. Even if we consider that the "designated group" targets encompass white females and white individuals with disabilities, there is no clear rationale provided regarding the key factors considered in determining these targets. **Groups representation exceeding EAP in a particular Occupational Level** Point 3.4.4 states that "employers should not set targets for those groups whose representation have already exceeded their EAP in a particular occupational level". This is in direct conflict with the provisions of Section 20(2)(c) of the EE Act, read together with Clause 7.4 of the 2017 Codes of Good Practice on the Preparation, Implementation and Monitoring of the Employment Equity Plan ('the EE Plan Code') and the EEA13 of the 2014 EE Regulations, which requires EE Numerical Goals to be set for each race and gender Group in each Occupational Level. The provisions of points 3.4.6 state that where a designated employer has exceeded the Ministerial Targets, the employer may not regress and should set targets toward the Economically Active Population (EAP). This provision further

		The regulations should be reworded to explicitly allow for the consideration of factors such as recruitment and promotion opportunities, core and critical skills, mergers, acquisitions, and other business-related factors. **Use of accurate wording** The term used in the Targets column refers to "Designated Groups" and only differentiates between males and females. It is important to ensure that the term aligns with the actual definition in the EE Act to eliminate uncertainty in understanding the composition of "Designated Groups". It is necessary to be clear regarding the wording used - "designated groups" - and to refer to the definition in the EE Act, which includes white women and people with disabilities. **The need to consider the specificity of sectors and sub-sectors.** The consideration of sub-sectors within the overall sectors has been ignored. It is irrational for the Department to assume that a "one-size-fits-all" target can apply across most sectors such as manufacturing, mining, agriculture, fishing, and the like. Each sector and sub-sector faces particular realities that need to be considered as a point of departure in determining rational and justifiable targets. For example, manufacturing extends from food manufacturing to automotive. These sub-sectors of manufacturing face very different conditions. It is vital to consider the various submissions made by stakeholders requesting that sub-sectors be focused on in setting targets, rather than the overall broad 18 sectors. Failure to do so will render targets unachievable. **Movement towards the EAP after the achievement of Ministerial Targets** The requirement in the regulations to move towards the EAP once the Ministerial Targets have been achieved during the 5-year period was not part of the previous regulations and has emerged as a new and significant requirement, which, in BUSA's view, places even greater pressure on the constitutionality and rationality of the provisions. The setting of any targets beyond reasonable, rational, logical, and fair Ministerial Targets should be the domain of the designated employer in consultation with its EE committee and not that of the Minister, particularly because it is impossible for the EAP in itself to have people who are suitably qualified/experienced for the jobs in which targets are being set. In other words, it is not as simple for the Department to say that in South Africa there are X amount of designated people in the EAP and therefore there are this number of people available and willing to work (with the required skills, qualifications, experience) in the occupational categories where there is underrepresentation. While the EAP is useful, to an extent, it does not and can never be used to translate that all those people in the EAP are in fact suitably qualified for the jobs that employers will fill once the numerical targets become law. Business proposes the removal of the provision in the regulations that requires the move to the EAP after having met the Ministerial Targets in that it cannot meet the test of rationality.

				How is the adjusted recognition to include the EAP target as part of proposed sectoral numerical targets calculated? Or will the final targets, including the adjusted sectoral numerical targets taking into consideration the EAP targets, be provided by the DEL? We therefore do not know whether designated employers will need to use their own interpretation, judgement and calculations. There could be a potential risk since designated employers performing their own calculations could result in businesses having different adjusted targets.	
				Would the term designated groups still include white females when determining the adjusted sectoral numerical targets?	
				We noted that there is nothing mentioned on sub-sectors. Will all sectoral numerical targets be determined on the specific sector excluding the sub-sector?	
				Designated employers may not regress as per the proposed amendment. What do we do when we achieved the adjusted sectoral numerical target for a specific race and gender in a specific occupational level, but that person resigns, and we then fall below the adjusted sectoral numerical target? Do we need to re-employ the specific race and gender in that specific occupational level that we initially achieved, as there may be another race and gender employee within the company that could be promoted into that same level? Will we be penalised? Also, the concern here is that we are demotivating other races and genders since they may not have the opportunity of possible promotions as we need to re-employ in the same race and gender and occupational level to achieve the target of which we regressed from. Added comment to the above: How will designated employers approach terminations (in terms of death, incapacity, dismissals, retirements and resignations) during and within their 5-year EE plan to achieve and maintain the adjusted sectoral numerical targets achieved, to not regress? Furthermore, these amended targets could be a detractor to the creation of new jobs due to the punitive risks and complexity associated with the adjusted sectoral numerical targets, despite our best efforts to manage EE in a fair and just fashion.	

6.	Solidarity trade Union	ANNEXURE 17INTRODUCTION 1. In terms of the request for comments contained in Government Notice no. 50058 of 2024 (published in the Government Gazette of 1 February 2024), Solidarity hereby submits its written comments on the draft Regulations. 2. The trade union has more than 200 000 members in all occupation fields. Solidarity provides workplace assistance to its members at more than 20 offices countrywide. 3. Solidarity is committed to the Constitution, and actively seeks to safeguard the constitutional rights of its members and, more generally, the public. Solidarity, its members and the public at large have an interest in the appropriate and constitutionally compliant adoption of affirmative action measures, including regulations. Solidarity's representation of members adversely affected by the application of employment equity plans adopted under the EEA is a matter of public record. 4. As a recognised Union at numerous "designated" employers Solidarity engages with employers on a frequent basis regarding the implementation of affirmative action measures and compliance with the EEA. SOLIDARITY'S COMMENTS ON THE 2024 REGULATIONS Lawfulness of the Regulations 5. Whilst it is clear that the Government Notice states that the regulations are published in preparation of commencement of section 15A of the Employment Equity Amendment Act No 4 of 2022, item 4 of the regulations is clearly an attempt to comply with settlement agreement between Solidarity and the government, that was made a Court Order.1 1 This agreement came after Solidarity had lodged a complaint with the International Labour Organisation (ILO), against the government's rigid approach to race. A mediation process between Solidarity and the SA government under the supervision of the ILO ensued, which eventually led to the agreement reached. The Settlement Agreement was made an order of court under case number J 6661/23 4 6. We submit that the current regulations, excluding part 4 thereof which culminates from the settlement agreement and Court order and not from law, and the process which accompanies it and any consequences that result from it, is unlawful. The Regulations have been published in terms of the Amendment Act, the commencement date of which has not yet been determined. Put differently, the Regulations have been published prematurely and are therefore unlawful.2 7. It is trite in law that a Bill only becomes law after the President of the Republic of South Africa has assented and signed the Bill. 8. Furthermore, only after the President of the Republic of South Africa has assented and signed the Bill does the Act appear in the Government Gazette and comes into effect on a date determined by the President. 9. The act therefore only becomes binding if the President proclaims the effective date. 10. It is submitted that the proclamation notice is still pending and has not been issued by the President, therefore it is trite that the Employment Equity Amendment Act has yet to come into effect. 11.

Section 15(3) provides specifically that these last two measures (contemplated in section 15(2)(d)) "include preferential treatment and numerical goals but exclude quotas".

19.

The sectoral targets are required to be met; they are not simply programme objectives translated into numbers which provide a target to strive for and a vehicle for measuring progress. The sectoral targets have as their purpose to produce immediate end results for the benefitting groups, without addressing the causes of "under-representation". Failure to adhere to the "targets" results in non-compliance and a penalty, whether in the form of an actual fine or in the form of foreclosure from the opportunity of doing business with the state.

20.

The sectoral targets set by the Labour Minister moves even further away from a concern with "need" and relevant socio-economic factors. The sectoral target system does not

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allow for appropriate consideration in the employment sphere of varying degrees of disadvantage, and the possible intersectionality of multiple forms of discrimination.

21.

From a plain reading of 3.4.6 which states: 'Where a designated employer has exceeded the set numerical target of a particular racial / gender group at an occupational level, such an employer may not regress in that particular racial/gender group but should set targets towards the EAP. It is abundantly clear that the regulations ultimately impose sectoral targets which obliges a workforce profile that must reflect the EAP as an end product.

22.

The sectoral targets are essentially an unjustifiable quota system out of proportion to what the Constitution allows, that it will cause substantial and undue harm to non-designated groups4 and which would not be constitutionally compliant.

23.

Rigidity in affirmative action measures in employment frustrates the life chances of non-beneficiaries, 'causing race or gender-based contests' that are not in line with an 'nuanced and inclusive notion of substantive equality'5.

Violation of the Consultation clause

24.

Legislative requirements relating to preparing an EE plan and targets include the obligation to consult with all relevant parties reflected in section 16 of the Employment Equity Act, regarding preparation of an EE plan which include numerical goals.

25.

A designated employer must take reasonable steps to consult and attempt to reach agreement with a representative trade union representing members at the workplace and 4 Harksen v Lane NO 1997 (11) BCLR 1489; 1998 (1) SA 300 (CC)

5 Kohn & Cachalia (note 12 above); AM Louw, 'Extrapolating "Equality" from the Letter of the Law: Some Thoughts on the Limits of Affirmative Action under the Employment Equity Act 55 of 1998' (2006) 18(3) South African Mercantile Law Journal 336 (who make this argument in the context of the EEA); J Pretorius 'The Limitations of Definitional Reasoning Regarding "Quotas" and "Absolute Barriers" in Affirmative Action Jurisprudence as Illustrated by Solidarity v Department of Correctional Services' (2017) 28 Stellenbosch Law Review 269.

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its employees or representatives nominated by them, or, if no representative trade union represents members at the workplace, with its employees or representatives nominated by them (section 16(1)) on inter alia (i) the conduct of the analysis referred to in section 19 (see section 17(a)); and (ii) the preparation and implementation of the employment equity plan referred to in section 20 (see section 17(b)).

26.

In terms of section 13 of the Act a designated employer is required to consult with parties identified by section 16 of the Act which states the following:



		facilitate meaningful public engagement, but also to enable various stakeholders, including shareholders, to hold designated employers accountable. For the same reasons, compliance with the EEA10 form should be mandatory. In our view, without clear justification for the differential targets across management levels concerning gender, such as historical imbalances in the sector or specified industry dynamics outlining how these inform targets for each sector, there is a danger that these sectoral targets could be interpreted as arbitrary or irrational. To strengthen these draft regulations and limit this risk, the Department should ensure that these targets do not undermine gender equity and more detail should be provided to explain the basis for the specific targets.
14.	**BUSINESS PARTNERS LIMITED –**	ANNEXURE 31 2.1 The regulations indicate that a designated employer may choose the EAP of the province in which the majority of employees perform their functions. 2.2 One could argue that it would not be ideal to choose the EAP of the province in which the majority of employees perform their functions due to the fact that it may not accurately reflect the demographics of the organisation as a whole. For example, should a company's headquarters be located in one province (and holds majority of employees), but they have operations in multiple provinces, using the EAP of only one province may not capture the diversity of the organisation as a whole. Provincial or National Economically Active Population (EAP) Transitional period 3.1 A query can be raised on whether there would be a transitional period offered to employers once the regulations are promulgated to allow them time to move from their current Employment Equity plans to the revised plans. This is not reflected in the February 2024 regulations.

		group goes against the intention of "equitable representation" as espoused, 4. 3.4.1 We have indicated our suggestion of an alternative measurement (QSE as per B-BBEE Code) on this letter above, which may assist with the data enhancement and interpretations, 5. Read with section 4 of the Gazette, the relaxation of the designated demographic percentages has potential to further perpetuate exclusion. 6. Implement regular reporting on diversity metrics to track progress toward equity goals. Furthermore, administrative leaders need to be held accountable for achieving these targets by incorporating them into performance evaluations and compensation structures. 7. The sector targets for top management need to be increased and be more ambitious. The current targets at the highest level need to reflect our current desire to see a transformed economy that will ensure that we have a self-reproducing critical mass of leaders. It is the above brief and key points we make our submission, and we are keen to work together with the department in driving transformation in the workplace.
11.	**Democratic Alliance**	At the outset, the DA does not support either the EEA or the EE Amendment Act. The DA has an adopted policy of non-racialism, a national founding value entrenched in section 1(b) the Constitution, and a progressive principle for which the DA has fought since its inception. The DA believes that this constitutional principle underpins the South African democratic project as a rejection of apartheid-era racial classification. We assert, and have always maintained, that race – as with all other grounds enumerated in section 9(3) of the Constitution – cannot and should never be used as a method to classify and thereby divide South Africans. Racial classifications should be rejected wherever they may be found, and statues such as the EEA and the EE Amendment Act do nothing more but to reinforce the artificial classification and grouping of individual members of our diverse society. We therefore reject both Acts and the regulations that accompany them. The Draft Regulations will do nothing more but serve to enrich a small group of politically connected individuals, as South Africans have already witnessed under the government's Broad-Based Black Economic Empowerment ("**BBBEE**") policies.1

9.	AFRI FORUM	**AfriForum's stance** Approximately 313 race-based laws have been introduced since the creation of the Union of South Africa in 1910. More than 116 (i.e., 37%) of these were created after the ANC came to power in 1994. AfriForum opposes any race-based legislation, as well as the racial classification system that the South African government continues to perpetuate. On the other hand, AfriForum supports the principle of the development and empowerment of people in need – regardless of their skin colour. Policies and ideologies should not be judged based on their intentions, titles or aims, but rather on the outcomes that they achieve and produce. You judge a tree by its fruit. Black economic empowerment is an apt example of a policy that has a positive-sounding name, but that produces unjustifiable outcomes through immoral means. AfriForum does not oppose the empowerment of poor black people; rather, AfriForum opposes the discriminatory policy of black economic empowerment, which achieves everything but its stated goals. Instead, it is nothing more than a smoke screen for small elite empowerment through cadre deployment and cronyism. AfriForum stands on solid, principled ground: racial discrimination by the government – be it in employment or in sport – was wrong in the past and is therefore also wrong in the present. Condemnation of the racial discrimination by a government of the past rings hollow when those who condemn it are defending racial discrimination by a government of the present. Systemic racism is defined as a form of racism or racial discrimination that is embedded in the legislation of a society, with racially discriminatory hiring practices one of its main features. According to this definition, the race-based laws of the pre- as well as post-1994 governments are prime examples of systemic racism. Racial prejudice has infected almost every facet of society – from corporate hiring practices to primary school rugby teams. The leaked internal memo from Dis-Chem Pharmacies in 2022, which announced a moratorium on the hiring and promotion of white people, serves as a testament to how absurd and unjustifiable the racial discrimination has become that the government mandates. Government-driven, racially discriminatory hiring practices, which are sold as "affirmative action" or "redress", are a sham solution. What must be corrected is a dysfunctional education system that cause many children even in 2024 to attend schools with pit toilets. The real problem is a race-obsessed government that is still failing to address worsening unemployment, poor education, rampant corruption and an electricity supply crisis. The government's preoccupation with equality of outcomes rather than

		• Furthermore, this restriction on submitting employment equity reports will mean that the smaller employers will have more flexibility to set their own EE targets, which may affect employees. • We live in a country with oppressed employees, particularly black employees with limited knowledge. Do we really believe that employers will consult their employees on the implementation of their equity plans. • I urge you to consider the severe oppression, demotivation, and stigmatization that I personally endure from an employer who should be exempt from adhering to affirmative action. Just imagine how many others are facing similar challenges like me. • All employers should be subjected to developing and submitting their employment equity reports . • Let us consider the grave impact this will have on employees with no trade union representation, working for private sectors and in need of Employment Equity to be submitted in order to elucidate the inequalities.
8.	Unemployed workers society of South Africa	Introduction: The Department of Employment and Labour's Draft Regulations for the Employment Equity Amendment Act have introduced sectoral numerical targets to accelerate transformation in the workforce. However, there are concerns regarding the fair representation of all demographic groups, particularly in regions such as the Western Cape, where coloured individuals face systemic marginalization. Analysis of Current Situation: In the Western Cape, there is a longstanding pattern of overlooking coloured individuals in both governmental and private sector employment. Despite being a significant demographic group in the region, coloured individuals often find themselves side-lined in favour of candidates from other provinces or countries, such as the Eastern Cape and Zimbabwe. Economic Exploitation: Employers in the Western Cape frequently resort to employing individuals from the Eastern Cape and Zimbabwe as a source of cheap labor, exploiting their vulnerable economic status. This practice not only perpetuates economic inequality but also undermines the rights and opportunities of the coloured workforce, leading to systemic marginalization. Discrimination in Hiring Practices:

		the freedom's protective sphere. We might also wish to protect cultural associations for more instrumental reasons. For one thing, cultural associations often act as effective buffers between the individual and state power. For another, the greater the number of and more varied our cultural associations, the more enriched our national culture and our individual lives tend to be. For a third, cultural associations, like other associations, tend to fill the breach left by the decline of familial hierarchies and the concomitant increase in market-driven individualism. They mediate the anomie of modern society, often perform welfare functions the state is unable or unwilling to undertake, and generally function as the glue preventing social disintegration12 60 The South African Human Rights commission13 released a report wherein guidelines and principles were published that would accommodate associational rights afforded to VA's. 12 OS 12-03, ch44-p8 13 The South African Human Rights Commission (SAHRC) is an institution established in terms of Section 181 of the Republic of South Africa Constitution Act 108 of 1996. The SAHRC and the other institutions created under Chapter 9 of the Constitution are described as "state institutions supporting constitutional democracy"1. The South African Human Rights Commission is specifically required to: a. promote respect for human rights; b. promote the protection, development and attainment of human rights; c. monitor and assess the observances 16 The SAHRC stated it is guided by the comments made by Justice Brennan in Roberts v United States Jaycees: The Court has long recognized that, because the Bill of Rights is designed to secure individual liberty, it must afford the formation and preservation of certain kinds of highly personal relationships a substantial measure of sanctuary from unjustified interference by the State. Moreover, the constitutional shelter afforded such relationships reflects the realization that individual draw much of their emotional enrichment from close ties with others. Protecting these relationships from unwarranted state interference therefore safeguards the ability independently to define one's identity that is central to any concept of liberty.14 61 If the constitutional rights that the association seeks to protect, promote and enhance relate to religion, culture and language then the reach of the State may be more circumscribed. 62 The cultural, religious and linguistic objectives of an organization divorce the employment profile of the said organization from the statistical profile of the economically active population. 63 The workforce profile of such organizations cannot be analogous to any Sectoral targets set by the Minister, the VA's and non-profit organizations should reflect their operational requirements when setting their targets. CONCLUSION 64 Solidarity contends that the Regulation is subject to challenge on the basis that it: of human rights in the Republic. Section 184(2) of the Constitution empowers the SAHRC to investigate and report on the observance of human rights in the country. Further, section 184(2)(c) and (d) affords the SAHRC authority to carry out research and to educate on human rights related matters. 14 The Exclusionary Policies of Voluntary Associations: Constitutional Considerations, p 17 64.1. It is unlawful as the Employment Equity Amendment Act is not yet in operation. 64.2. The regulations are in contravention of the settlement agreement that was made an order of court.

		"199. A common feature of affirmative action measures is their temporary nature. This presupposes a regular and objective evaluation of affirmative action programmes at ascertaining their effectiveness, redefining regularly their scope and content and determining when to bring them to an end. In some countries, however, they may be discontinued, or their effectiveness reduced as a result of cuts in social spending, economic downturns or economic restructuring. 40. The International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as "ICERD") also states in article 1 paragraph 1 and 4, read with General Recommendation 32 of 2009 which provides that: "Special measures may not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved." 41. It is trite that the special measures that are referred to in ICERD and in Convention C111 refers to measures such as affirmative action. 42. It is evident that the ILO underlines that affirmative action should be temporary in nature. 43. Solidarity has made representations in terms of article 24 of the ILO indicating that the Republic of South Africa is in non-adherence with its international law obligation more specifically Convention C111. 44. Thereupon, Solidarity and the Republic of South Africa entered into a mediation process in the ILO and facilitated by the Commission for Conciliation, Mediation and Arbitration (hereinafter referred to as the "CCMA"). 45. Solidarity and the Republic of South Africa settled the dispute on numerous grounds; however, we wish to highlight the following salient clause in the settlement agreement under case number: H02-23: a) Affirmative action is a coherent packet of measures, of a temporary nature in line with the Constitution, aimed specifically at correcting the position of members of a target group as defined in the Employment Equity Act in the workplace, in order to obtain effective equality: 46. Subsequently the above-mentioned settlement agreement was made an order of court under case number J 6661/23. 13 47. The draft regulations on proposed sectoral numerical targets (hereinafter referred to as the "draft regulations") was published by the Minister of Employment and Labour on 1 February 2024. 48. In Item 3 of the draft regulations the Minister sets out "5-Year" numerical targets. 49. Furthermore, in item 3,2 of the draft regulation it states: "3.2 The proposed 5-year sectoral numerical targets are minimum targets and are key milestones towards achieving the equitable representation of the different designated groups within each occupation level in that employer's workforce in relation to the demographics of their applicable EAP." 50. It is evident by the reading of the clause that the measures put in place are not temporary in nature just by interpreting the words used, milestones and minimum targets. It is apparent that the "goals posts" will be continually shifted. 51. Furthermore, Item 3,4,6 states the following: "3.4.6. Where a designated employer has exceeded the set numerical target of a particular racial / gender group at an occupational level, such an employer may not regress in that particular racial/gender group but should set targets towards the EAP."

ELECTRONIC SECTOR ENGAGEMENT RECORDINGS

COPY OF MINUTES OF THE COMMISSION

employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

	5th Commission for Employment Equity (CEE)	
	31st CEE Meeting – Minutes	
DATE	:	**27 February 2025**
TIME	:	**09h00 – 10h00**
VENUE	:	**Online**

PRESENT

CEE:
(Chairperson) N Deokiram
Commissioner J Kganyago
Commissioner Z Mgolodela
Commissioner BKM Nhlapo
Commissioner D Mmako

DEPARTMENT OF EMPLOYMENT AND LABOUR:

Ms N. Mamashela (Director: EED)
Mr N. Singh (EED)
Mr M. Lefika (EED)
Mr I. Makwarela (EED)
Ms C. Lehlokoa (EED)
Mr R. Dzhombere (EED)
Mr J. Mohale (EED)

APOLOGIES:

Commissioner G Twala
Commissioner S Jensma
Mr T. Mkalipi (Chief Director LR)
Commissioner T Chagonda

ABSENT:

None.

Ms Mamashela reported that all the action items on the ...

8. MATTERS FOR DISCUSSION

8.1 Update on the EE Amendments Act of 2022

8.1.1 Ms Mamashela indicated that item 8.5 on the agenda should be removed as she would cover it under this item. She reported that at the Commission's special meeting held on the 28th November 2025, the Commission provided their inputs on the two sets of EE Regulation i.e. for the Sector EE targets and the General

Administrative EE Regulations (i.e. one with all the different EE templates for reporting, EE analysis, EE plans and enforcement tools). She indicated that the legal drafting process of the General Administrative Regulations was finalized by 13 December 2024.

8.1.2 She reported that the Commission also agreed on 28 November 2024 that they would conduct another round of sector stakeholder consultations with the 18 economic sectors prior to advising the Minister to publish the two sets of EE Regulations, which are planned to take place from 11 February 2025 to 19 February 2025. She explained that the main objective for the consultations was to discuss the final sector EE targets that were informed by the latest EE data in EE Reports received during the 2024 reporting period, She also indicated that some employers' organisations requested bilateral meetings to discuss some of their concerns, which are currently ongoing.

8.1.3 Ms Mamashela indicated that the publication of the two sets of EE Regulations (i.e. the General EE Administrative Regulations and the Regulations on the 5-year sector EE targets) should ideally be done towards the end of March 2025 to allow enough time for designated employers to embark on the process to align their EE plans to the EE amendments and the published 5-year sector EE targets from April until 31 August 2025.

8.1.4 She therefore, requested the Commission to consider, approve and sign the Advisory to the Minister to publish the two sets of EE Regulations in the Government Gazettes. The Commission provided the Chairperson with the mandate to sign the Advisory to the Minister.

Resolution:	**Responsibility**
○ Chairperson to sign the Advisory Letter requesting the Minister to publish the two sets of EE Regulations in the Government Gazettes before end March 2025.	**Chairperson Secretariat**

10. CLOSURE OF THE MEETING

The Chairperson closed the meeting at approximately 10h00 and the next meeting will be held on the 19th March 2025.

MINUTES APPROVED AS A TRUE REFLECTION OF THE DISCUSSIONS.

MS NICOLE DEOKIRAM
CHAIRPERSON CEE

DATE: ...13/03/25.....

CEE ADVISORY TO THE MINISTER

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

COMMISSION FOR EMPLOYMENT EQUITY (CEE)
Private Bag X117, Pretoria, 0001, Tel: (012) 309 4040, Fax: (012) 309 4739

Enquiries: **Christina Lehlokoa**
Tel: **012-309 4016**

Honourable Minister, Ms N Meth (MP)
Department of Employment and Labour
Private Bag X 117
Pretoria
0001

Dear Honourable Minister,

ADVISORY ON THE FINALISATION OF THE TWO SETS OF THE EMPLOYMENT EQUITY REGULATIONS IN RELATION TO THE EMPLOYMENT EQUITY AMENDMENT ACT, NO. 4 OF 2022

We hope that you are keeping well.

As Honourable Minister is aware and according to section 30 of the Employment Equity Act 55 of 1998 (EEA), the legal mandate of the Commission for Employment Equity (CEE) is to advise the Minister of Employment and Labour (the Minister) on the codes of good practice, regulations, policy and any other matter concerning the EEA as per sections 30, 32 and 33 of the latter Act.

In addition, the CEE may make awards recognising achievements of employers, commission research and report to the Minister on any matter relating to the application of the EEA, including appropriate and well-researched norms and benchmarks for the setting of numerical goals in various sectors, and the CEE may perform any other prescribed function.

In light of the above legal mandate, I hereby on behalf of the CEE, take pleasure in informing the Minister that the CEE has finalised the two sets of the Employment Equity Regulations (EE Regulations) and it is now aligned with the provisions of the Employment Equity Amendment Act, No. 4 of 2022. In this regard, the first set of the EE Regulations deals with general administrative requirements such as reporting forms, the employment equity plan and the employment equity compliance certificate templates. The second set of the EE Regulations provides guidance on the sector numerical employment equity targets for the eighteen economic sectors, as identified in the regulation.

The CEE therefore requests the Minister to consider and approve the publication of the two sets of the EE Regulations in the Government Gazettes, in terms of Section 55(1)(*b*) of the EEA, to be effective from 1 April 2025 for implementation.

5th Commission for Employment Equity (CEE)
Chairperson: Ms Nicole Deokiram:
Commissioners: Ms Jensma Stieneke, Ms Dineo Mmako, Mr Gerald Twala, Mr Bhabhali Ka Maphikela Nhlapo, Ms Laura Kganyago, Ms Thembi Chagonda and Ms Zinzisa Pearl Mgolodela

We trust that the Minister will find the advice to be in order.

Yours faithfully,



Ms Nicole Deokiram
Chairperson: Commission for Employment Equity
3 March 2025