



**Mkhambathini  
Municipality**  
*For the Community*

**UMASIPALA WASE MKHAMBATHINI**

## **Mkhambathini Municipality**

### **Employment Equity Plan**

**June 2005**

**Assisted by AIM**



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## **CONTENTS**

- 1. INTRODUCTION**
  - 2. APPROACH AND METHODOLOGY**
  - 3. SIZE AND BACKGROUND OF MKHAMBATHINI MUNICIPALITY**
  - 4. THE EMPLOYMENT EQUITY ACT**
    - 4.1 Vision and Objectives
    - 4.2 Definitions
    - 4.3 Related Acts of Parliament
    - 4.4 Assigning of Manager(s)
  - 5. EMPLOYMENT EQUITY**
    - 5.1 Affirmative Action
  - 6. PURPOSE OF THE MKHAMBATHINI MUNICIPALITY EMPLOYMENT EQUITY PLAN**
  - 7. REGIONAL DEMOGRAPHICS: KWAZULU-NATAL PROVINCE**
  - 8. MKHAMBATHINI MUNICIPALITY STATISTICAL ANALYSIS**
    - 8.1 Current workforce (2005) in relation to local population
    - 8.2 Employee profile by race and gender
- THE EEA 2 FORM - DEPARTMENT OF LABOUR**
- SECTION A – Employer Details**  
**SECTION B – Workforce Profile**  
**SECTION C – Workforce Movement**  
**SECTION D – Disciplinary Action**  
**SECTION E – Skills Development**  
**SECTION F – Qualitative Assessment**  
**SECTION G – Progress Report**  
**SECTION H – Signature of Chief Executive Officer**
- THE EEA 4 FORM – DEPARTMENT OF LABOUR**
- SECTION A – Employer Details**  
**SECTION B – Income Details per Occupational Category**  
**SECTION C – Income Differentials per Occupational Level**  
**SECTION D – Total Income Differentials**
- 9. FUNDAMENTALS WITH RESPECT TO EMPLOYMENT EQUITY**
    - 9.1 Equal Employment Practice
    - 9.2 A clearly defined programme
    - 9.3 Aid to Equal Opportunity
    - 9.4 Staff decisions based on efficiency
    - 9.5 Financing of Affirmative Action

- 9.6 Organisational Context
  - 9.7 Educational Context
  - 9.8 Stakeholder Involvement
  - 9.9 Rights of Employees
    - 9.9.1 Disabled
    - 9.9.2 HIV/AIDS
  - 9.10 Rights of Employers
  - 9.11 Grievances/ Disputes
  - 9.12 Monitoring and Progress
- 10. COMMUNICATION, AWARENESS AND TRAINING**
- 11. STATEMENT OF INTENT**
- 12. GUIDELINES: FUNCTIONAL IMPLEMENTATION**
- 12.1 Duration of the plan
  - 12.2 Summary of objectives
- 13. NUMERICAL GOALS**
- 14. APPROVAL OF THE EMPLOYMENT EQUITY PLAN**

## **1. INTRODUCTION**

Mkhambathini Municipality is required by law to comply with the Employment Equity Act of 1998.

In this respect the main objective will be to focus on implementing the Employment Equity Plan so as to achieve a staff profile that will, within set time frames, proportionally reflect the demographic composition of the area.

## **2. APPROACH AND METHODOLOGY**

In developing the Employment Equity Plan (EEP), Mkhambathini Municipality is required to follow the guidelines provided in the Employment Equity Act, Act 55 of 1998, (E.E.A.).

The E.E.A. requires that an Employment Equity Plan (E.E.P.) be constructed with stakeholder consultation and involvement. The E.E.P. can only be effective and efficient if all role players are committed to employment equity principles.

This document is a guideline to the council and the management, particularly in some of the more sensitive areas of implementing Employment Equity.

## **3. SIZE AND BACKGROUND OF THE MKHAMBATHINI MUNICIPALITY**

The Mkhambathini Local Municipality (KZ226) is a category B Municipality that falls under UMgungundlovu District Municipality (DC22).

Mkhambathini Local Municipality is located between two major provincial urban centres (Pietermaritzburg and Durban), along the southeastern boundary of UMgungundlovu District and adjoins to Richmond and Msunduzi Local Municipalities to the west, Mshwathi Local Municipality to the north and Durban Metro to the east. The Mkhambathini Municipality was established in terms of Section 155 (1) (b) of the Constitution of the Republic of South Africa following the 2000 governmental elections. The geographical area of the Municipality is 914 square kilometres

According to the Statistics South Africa's website ([www.statssa.gov](http://www.statssa.gov) - 2001 census), within Mkhambathini Municipal boundaries there is a population of approximately 59 060. The community comprises mainly of Zulu, English and Afrikaans speaking people.

Mkhambathini Municipality's economy is primarily composed of the agriculture and manufacturing sectors, and it is characterised by more labour-intensive than capital-intensive economic activities. Commercial farming, particularly large-scale sugar cane cultivation, dominates the landscape. Manufacturing activities, including agri-processing and light industrial firms, cluster around Camperdown (which serves as the administrative centre for the Municipality), while the relocation of the sugar mill from Illovo to Eston has provided another centre of manufacturing in the municipality. There are several tourism attractions in the area, which are based upon the wildlife and the natural beauty of the landscape. While not yet fully exploited, the area's natural assets provide an important opportunity for future tourism development in the area.

#### **4. THE EMPLOYMENT EQUITY ACT:**

##### **4.1 Vision and Objectives**

The objectives of the Employment Equity Act as stated in section 2 of the Act are:

**“...to achieve equity in the workplace by:**

- promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and**
- implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce.”**

The most important areas in the Act are that –

- all designated employers must take steps to end unfair discrimination in their employment policies and practices;
- unfair discrimination on the grounds of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, and birth against employees or job applicants be prohibited;
- medical testing of employees be prohibited unless justified;
- psychometric testing be prohibited unless justified;
- designated employers prepare and implement Employment Equity Plans subsequent to conducting a workforce analysis and consulting with unions and employees;
- Employment Equity Plans contain specific affirmative action measures to achieve the equitable representation of people from designated groups in all occupational categories and levels in the workforce of designated employers;
- all designated employers report to the Department of Labour on their implementation of employment equity;
- a Commission for Employment Equity be established;
- enforcement of employment equity obligations on designated employers takes place by the Labour Inspectorate and the Director-General of the Department of Labour;
- any employer that intends to contract with the State complies with its employment equity obligations; and
- an employee be protected from victimisation for exercising rights conferred by the Act.

As can be seen from the above, the E.E.A. has very significant requirements and practical implications for the Mkhambathini Municipality, as it does for all employers in South Africa. After addressing definitions and related acts, the following sections will examine each requirement and then outline potential responses that could be integrated into the Employment Equity Plan (E.E.P.).

## 4.2 Definitions

Note:

4.2.1 A letter 'S' followed by a number refers to the relevant Section in the E.E.A.

4.2.2 Words in bold type or underlined are highlighted for the benefit of the Mkhambathini Council and do not appear bold in the wording of the Act.

The following definitions (as per the E.E.A.) are some of the more common terms used in the Act.

"black people" is a generic term which means Africans, Coloureds and Indians.

"designated groups" means black people, women and people with disabilities.

"family responsibility" means the responsibility of employees in relation to their spouse or partner, their dependent children or other members of their immediate family who need their care or support.

"medical testing" includes any test, question, inquiry or other means designed to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition.

"people with disabilities" means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment.

"pregnancy" includes intended pregnancy, termination of pregnancy and any medical circumstances related to pregnancy.

"reasonable accommodation" means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment.

"suitably qualified person" means a person who has the **capacity to acquire**, within a reasonable period of time, the ability to do the job, as contemplated in sections 20(3) and (4) of the Act.

## 4.3 Related Acts of Parliament

The E.E.A. makes reference to other Acts that have relevance and/or that need to be read in conjunction. These Acts include:

The Labour Relations Act, 1995

The Basic Conditions of Employment Act, 1997

#### 4.4 **Assigning of Manager(s)**

Section 24 of the Employment Equity Act, 1998 requires that the Mkhambathini Municipality must:

- Assign one or more senior managers to take responsibility for monitoring and implementing an Employment Equity Plan;
- Provide the managers with the authority and means to perform their functions, and
- Take responsible steps to ensure that the assigned manager/s perform their allocated functions.

**To satisfy the requirements of this section of the Act, the Mkhambathini Municipality has assigned Mr S. Sikhakhane (Human Resources Officer) to be responsible for the implementation and monitoring of the EEP.**

- The assignment of the manager/s in terms of the Act does not relieve the designated employer of any duty imposed by this Act or any other law .

### 5. **EMPLOYMENT EQUITY**

Employment Equity is a broader approach designed in the first instance to prevent, and therefore remedy any discrimination and disadvantage by identifying and removing barriers in the employment policies and practices and in the culture of the council.

#### 5.1 **Affirmative Action**

Within the context of Mkhambathini Municipality, affirmative action has been defined as implementing immediate positive remedial action, programmes and procedures to address both historic and existing inequalities and imbalances in the work place and the present staff profile.

### 6. **THE PURPOSE / OBJECTIVES OF THE MKHAMBATHINI MUNICIPALITY EMPLOYMENT EQUITY PLAN ARE AS FOLLOWS:**

- 6.1 To institute a series of measures designed to create equal opportunity and fair treatment of the Designated Groups within the municipality,
- 6.2 To identify all barriers which prevent or hinder in any way the advancement of the designated groups,
- 6.3 To eliminate all forms of unfair discrimination in the employment policies, practices and procedures of the municipality,
- 6.4 To create a pool of skills and competencies to meet business objectives and challenges of the future
- 6.5 To make a special effort to accommodate the disabled where possible,
- 6.6 To respect the privacy of each individual and ensure that sexual harassment is not tolerated in any form whatsoever,
- 6.7 To respect diversity and at the same time encourage teamwork, shared values, mutual acceptance and social interaction,
- 6.8 To work towards achieving a staff composition, with regard to race and gender, which reflects the demographics of the region in which the municipality operates,
- 6.9 To achieve all of this by means of an Employment Equity Plan, which focuses on the development of present staff and an affirmative action programme, aimed at specially addressing the training and advancement needs of previously disadvantaged groups.

## 7. REGIONAL DEMOGRAPHICS: KWAZULU-NATAL PROVINCE

Provincial profile by race and gender group (2001 census statistics from statistics SA):

	MALES	FEMALES
<b>AFRICAN</b>	3 720 802 (39.47%)	4 281 607 (45.42%)
<b>WHITE</b>	235 339 ( 2.50%)	248 109 ( 2.63%)
<b>INDIAN/ ASIAN</b>	385 801 ( 4.10%)	412 473 ( 4.38%)
<b>COLOURED</b>	67 150 ( 0.71%)	74 738 ( 0.79%)
<b>TOTAL</b>	<b>4 409 092 (46.78%)</b>	<b>5 016 927 (53.22%)</b>

## 8. MKHAMBATHINI MUNICIPALITY STATISTICAL ANALYSIS

### 8.1 CURRENT WORKFORCE (2005) IN RELATION TO LOCAL POPULATION (2001 STATS)

	LOCAL POPULATION	WORKFORCE
<b>AFRICAN</b>	56 898 (96.34%)	43 (89.58%)
<b>WHITE</b>	1 557 ( 2.64%)	3 ( 6.25%)
<b>INDIAN/ ASIAN</b>	535 ( 0.90%)	2 ( 4.17%)
<b>COLOURED</b>	70 ( 0.12%)	0 ( 0.00%)
<b>MALE</b>	28 115 (47.60%)	28 (58.33%)
<b>FEMALE</b>	30 945 (52.40%)	20 (41.67%)

### 8.2 EMPLOYEE PROFILE BY RACE AND GENDER

	MALES	FEMALES
<b>AFRICAN</b>	26 (54.17%)	17 (35.42%)
<b>WHITE</b>	1 ( 2.08%)	2 ( 4.17%)
<b>INDIAN/ ASIAN</b>	1 ( 2.08%)	1 ( 2.08%)
<b>COLOURED</b>	0 ( 0.00%)	0 ( 0.00%)
<b>TOTAL</b>	<b>28 (58.33%)</b>	<b>20 (41.67%)</b>



*Mkhambathini Municipality  
Employment Equity Plan*

In the compilation of the Employment Equity Plan, Mkhambathini Municipality is required to complete Form EEA2 and EEA4, which give the following information on the current status of the employees.

EEA2

**Section A: Employer Details**

Employer	Mkhambathini Municipality
Registration No.	
SARS Registration No.	L 750709216
UIF Number:	
Industry Sector:	Local Government
Contact Person:	Mr S. B. Sikhakhane
Address:	Mkhambathini Municipality Private Bag x 04
Town/City:	Camperdown
Postal Code:	3720
Telephone No:	031-785 1668
Fax No:	031-785 1463
E-Mail Address:	mkhambamune@telkomsa.net

Is Mkhambathini Municipality:

1) Organ of state Yes    No  
   

2) Voluntarily complying with this Act as specified in section 14 Yes    No

**Section B: Workforce Profile**

<p><b>Please read instructions first⇒</b></p>	<p>a) Include persons with disabilities in question 2 and 4 as well as separately in questions 3 and 5.</p> <p>b) The totals for questions 2 and 4 should tally exactly.</p> <p>c) The totals for questions 3 and 5 should tally exactly.</p> <p>d) The summary of the occupational categories is available in EEA 10 of the Regulations. The complete classification system is available from Statistics South Africa.</p> <p>e) Occupational levels appear in EEA 9 of the Regulations.</p> <p>f) When completing question 3 and 5 only include permanent employees in the occupational categories and levels.</p> <p>g) For reporting purposes, non-permanent employees refer to those who are employed for less than 24 hours per month, or those engaged to work for less than 3 continuous months.</p> <p>h) In section C (Employees Movements) only permanent employees should be reported.</p>
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1. Date of workforce profile: 30/06/2005
2. Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational categories**:

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
<sup>1</sup> Legislators, senior officials and managers	2		1	1	1				5
Professionals									0
Technicians and associate professionals	1							1	2
Clerks	7				15		1	1	24
Service and sales workers	3								3
Skilled agricultural and fishery workers									0
Craft and related trades workers									0
Plant and machine operators and assemblers	3								3
Elementary occupations	8								8
<b>TOTAL PERMANENT</b>	24	0	1	1	16	0	1	2	45
Non-permanent employees	2				1				3
<b>TOTAL</b>	26	0	1	1	17	0	1	2	48

<sup>1</sup> As applicable

3. Please report the total number of **employees with disabilities** in each of the following **occupational categories**:

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers									0
Professionals									0
Technicians and associate professionals									0
Clerks									0
Service and sales workers									0
Skilled agricultural and fishery workers									0
Craft and related trades workers									0
Plant and machine operators and assemblers									0
Elementary occupations									0
<b>TOTAL PERMANENT</b>									0
Non-permanent employees									0
<b>TOTAL</b>	0	0	0	0	0	0	0	0	0

4. Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational levels**:

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2		1	1	1				5
Senior management									0
Professionally qualified and experienced specialists									0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	5				6			1	12
Semi-skilled and discretionary decision making	10				9		1	1	21
Unskilled and defined decision making	7								7
<b>TOTAL PERMANENT</b>	24	0	1	1	16	0	1	2	45
Non-permanent employees	2				1				3
<b>TOTAL</b>	26	0	1	1	17	0	1	2	48

5. Please report the total number of **employees with disabilities** in each of the following **occupational levels**:

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management									0
Senior management									0
Professionally qualified and experienced specialists									0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents									0
Semi-skilled and discretionary decision making									0
Unskilled and defined decision making									0
<b>TOTAL PERMANENT</b>									0
Non-permanent employees									0
<b>TOTAL</b>	0	0	0	0	0	0	0	0	0

**Section C: Workforce movement**

**Reporting period for workforce movement (past 12 months):** From: July 2004 to June 2005.

6. **Recruitment** (report the total number of new recruits during the twelve months preceding this report):

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2		1						3
Senior management									0
Professionally qualified and experienced specialists									0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents					2				2
Semi-skilled and discretionary decision making	4				3				7
Unskilled and defined decision making									0
<b>TOTAL PERMANENT</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>

<b>People with disabilities</b>	0	0	0	0	0	0	0	0	0
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7. **Promotion:** (report the total number of promotions into each occupational level during the twelve months preceding this report):

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management									0
Senior management									0
Professionally qualified and experienced specialists									0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents									0
Semi-skilled and discretionary decision making									0
Unskilled and defined decision making									0
<b>TOTAL PERMANENT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>People with disabilities</b>	0	0	0	0	0	0	0	0	0
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**Section C: Workforce movement – continued**

**8. Termination**

8.1 **Termination:** (report the total number of each occupational level during the twelve months preceding this report):

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2								2
Senior management									0
Professionally qualified and experienced specialists									0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents					2				2
Semi-skilled and discretionary decision making									0
Unskilled and defined decision making	1								1
<b>TOTAL PERMANENT</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>

<b>People with disabilities</b>	0	0	0	0	0	0	0	0	0
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8.2 **Termination categories:** (report the total number of terminations in each category during the twelve months preceding this report):

Terminations	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Resignation	2				1				3
Non-renewal of contract									0
Dismissal - operational requirements (retrenchment)									0
Dismissal - misconduct					1				1
Dismissal - incapacity									0
Pensioned									0
Deceased	1								1
<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>

**Section D: Disciplinary Action**

9. **Disciplinary action:** (report the total number of disciplinary actions during the twelve months preceding this report):

Disciplinary Action	Male				Female			
	African	Coloured	Indian	White	African	Coloured	Indian	White
	0	0	0	0	1	0	0	0

**Section E: Skills Development**

10. **Training:** (report the total number of people who received training in each occupational category during the twelve months preceding this report):

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	1								1
Professionals									0
Technicians and associate professionals	1								1
Clerks	4				3				7
Service and sales workers									0
Skilled agricultural and fishery workers									0
Craft and related trades workers									0
Plant and machine operators and assemblers	1								1
Elementary occupations									0
<b>TOTAL PERMANENT</b>	7	0	0	0	3	0	0	0	10
Non-permanent employees									0
<b>TOTAL</b>	7	0	0	0	3	0	0	0	10

**Section F: Qualitative Assessment**

**11. Awareness of Employment Equity**

11.1 Please indicate which of the following awareness measures were implemented by your organisation:

	Yes	No
Formal written communication	X	
Policy statement includes reference to employment equity	X	
Summary of the Act displayed	X	
Employment Equity Training	X	
Diversity management programmes		X
Discrimination awareness programmes		X
Other (please specify): - <i>Workshop for the consultative forum</i>	X	

11.2 Please indicate how many employees received employment equity / non-discrimination training during the past year:

<b>Number of employees trained</b>	<b>1</b>
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**12. Consultation**

12.1 Please indicate which stakeholders were involved in the consultation process prior to the development of your Employment Equity Plan:

	Yes	No
Workplace forum/Local Labour Forum	X	
Consultative body or forum	X	
Registered trade union (s)	X	
Employees	X	
Other (Please specify): <i>Managers and Councillors</i>	X	

12.1 What was the level of agreement reached in the formulation of the plan:

Total	Sufficient	X	Some	None
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12.2 How regularly did you meet with the stakeholders mentioned in 12.1:

Weekly	Monthly	Yearly	Other: Quarterly
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13. **Analysis**

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

Categories	Barriers to Employment Equity	Solutions to Barriers and Affirmative Action measures
Recruitment procedures	-	-
Advertising positions	-	-
Selection criteria	-	-
Appointments	-	-
Remuneration and benefits	-	-
Terms and conditions of employment	-	-
Work environment and facilities	-	-
Training and development	-	-
Performance and evaluation systems	-	-
Promotions	-	-
Transfers	-	-
Disciplinary measures	-	-
Dismissals	-	-
HIV/AIDS education and prevention programme	-	-
Other: smoking	-	-

#### 14. Numerical goals

14.1 Please use the table below to indicate the numerical goals you have set for your current Employment Equity Plan (only the number of affected positions, i.e. current vacant posts, new appointments, promotions):

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers					1				1
Professionals									0
Technicians and associate professionals									0
Clerks						1			1
Service and sales workers									0
Skilled agricultural and fishery workers									0
Craft and related trades workers									0
Plant and machine operators and assemblers									0
Elementary occupations					6				6
<b>TOTAL PERMANENT</b>	0	0	0	0	7	1	0	0	8
Non-permanent employees									0
<b>TOTAL</b>	0	0	0	0	7	1	0	0	8

14.2 By which year do you plan to achieve the above numerical goals: 2007

14.3 Numerical goals for the projected year (2007), including the current workforce:

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
<sup>1</sup> Legislators, senior officials and managers	2		1	1	2				6
Professionals									0
Technicians and associate professionals	1							1	2
Clerks	7				15	1	1	1	25
Service and sales workers	3								3
Skilled agricultural and fishery workers									0
Craft and related trades workers									0
Plant and machine operators and assemblers	3								3
Elementary occupations	8				6				14
<b>TOTAL PERMANENT</b>	24	0	1	1	23	1	1	2	53
Non-permanent employees	2				1				3
<b>TOTAL</b>	26	0	1	1	24	1	1	2	56

**15. Resources**

Please indicate what resources have been allocated to the implementation of employment equity during the past year:

Allocation of Resources	Yes	No
Appointed a designated officer to manage the implementation	<b>X</b>	
Allocated a budget to support the implementation goals of employment equity		<b>X</b>
Time off for employment equity consultative committee (or equivalent) to meet on a regular basis	<b>X</b>	
Other ( Please specify):		

**16. Monitoring and evaluation of implementation**

How regularly do you monitor progress on the implementation of the Employment Equity Plan:

Weekly	Monthly	Yearly	Other: Quarterly
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**Section G: Progress Report**

17. Reporting period: 2004 to 2005

18. Did you achieve the numerical goals as set out in your employment equity plan for this period?

Yes	No <b>X</b>
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19. Did you achieve the affirmative action objectives as set out in your employment equity plan for this period?

Yes <b>X</b>	No
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19.1 If not, what were the obstacles you experienced?

<b>Obstacles to the employment equity goals and objectives during the past year</b>
N/a

19.2 If yes, what factors promoted the accomplishment of your goals and objectives?

<b>Factors contributing to the accomplishment of the employment equity goals and objectives during the past year</b>
Although not all goals were achieved but what has been a contributing factor to what has been achieved is the awareness about the employment equity and working together towards set goals.

**Section H: Signature of Municipal Manager**

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_ at place: \_\_\_\_\_

\_\_\_\_\_  
Signature

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

As part of the plan, Form EEA4 is required to be completed to show the income differentials.

EEA4

**Section A: Employer Details**

Employer:	Mkhambathini Municipality
Registration No:	
SARS Registration No.:	L 750709216
UIF Number:	
Industry Sector:	Local Government
Contact Person:	Mr S. B. Sikhakhane
Address:	Mkhambathini Municipality Private Bag x 04
Town/ City:	Camperdown
Postal Code:	3720
Telephone No:	031-785 1668
Fax No:	031-785 1463
E-Mail Address:	mkhambamune@telkomsa.net

**Section B: Income Differentials per Occupational Category**

Occupational Categories	Income Levels	
Legislators, senior officials and managers	1.	-
	2.	
Professionals	1.	-
	2.	
Technicians and associate professionals	1.	-
	2.	
Clerks	1.	-
	2.	
Service and Sales Workers	1.	-
	2.	
Skilled agricultural and fishery workers	1.	-
	2.	
Craft and related trades workers	1.	-
	2.	
Plant and machine operators and assemblers	1.	-
	2.	
Elementary occupations	1.	-
	2.	

**Section C: Income Differentials per Occupational Level**

Occupational Level	Income Levels	
Top management	1.	-
	2.	
Senior manager	1.	-
	2.	
Professionally qualified and experienced specialists and mid-management	1.	-
	2.	
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendent	1.	-
	2.	
Semi-skilled and discretionary decision making	1.	-
	2.	
Unskilled and defined decision making	1.	-
	2.	

**Section D: Total income differentials**

All occupations and levels	Income Levels	
	1.	R406 000.00
	2.	R 34 502.88

## **9. FUNDAMENTALS WITH RESPECT TO EMPLOYMENT EQUITY**

The following are accepted fundamental to the compilation of an acceptable Employment Equity Programme:

### **9.1 Equal Employment Practice**

Ensuring that everyone, regardless of race, ethnic and social origin, colour, culture, gender, religious or political persuasion, disability, age or sexual orientation has an equal chance for appointment to a post on merit or potential ability. All barriers and subjective practices that hamper the employment and/or advancement of members of staff, particularly those who have been historically disadvantaged by prejudices that favour some and disfavour others, must be identified and removed.

### **9.2 A clearly defined programme**

A detailed, specific and feasible Employment Equity Programme will be formulated, implemented and monitored to redress imbalances and discrimination. Employees and their representatives will be involved in the formulation process.

### **9.3 Aid to Equal Opportunity**

The purpose of the agreed Employment Equity Programme is to enable people from designated groups to compete on equal an footing with other candidates for appointments. The programme shall be terminated as soon as the staff composition reasonably reflects the demography of the relevant labour market, regionally, in all occupational categories and levels. Monitoring shall continue and should continue and should the labour force change so that it does not reflect the demographics, the program will be re-instituted.

### **9.4 Staff Decisions Based on Efficiency**

Appointments and promotions shall be based on ability (proficiency and potential) so as to maintain or promote economic effectiveness, productivity and standards, and promotion policies shall advance designated groups with the prerequisite potential.

### **9.5 Financing of Affirmative Action**

The necessity for the financing of the programme is accepted, and heads of Departments must ensure that sufficient provision is made for this purpose in the annual estimates.

### **9.6 Organisational Context**

To co-operatively create and maintain an organisational culture and climate that will encourage and support mutual respect and understanding; develop potential and achieve organisational goals in servicing the community.

### **9.7 Education, Training and Development**

Develop education, training and development programmes, which shall enhance the skills and capacities of staff of all levels for career paths and labour market mobility through recognized systems of accreditation. Sound human resources systems shall be established to ensure an adequate supply of suitably qualified employees, while at the same time improving the representatives of the most needy departmental structures.

## **9.8 Stakeholder Involvement**

All stakeholders should be committed and involved in the function of implementation and control of affirmative action.

## **9.9 Rights of Employees**

All existing rights of the employees shall be maintained as well as extended to those employees who are too disadvantaged to enjoy such rights, bearing in mind the conditions of service pertaining to the various job categories. In pursuance of this policy no employee shall suffer loss of employment or benefits as a result of the application of the principles.

### **9.9.1 Disabled**

Employers are requested to consider making structural adjustments or introducing technical aids to facilitate employment of people with disabilities. The Department of Labour together with the Commission for Employment Equity has prioritised the Code relating to the management of disability in the workplace.

### **9.9.2 HIV / AIDS**

It is unlawful to discriminate against a worker on the grounds of his / her HIV status. It is unlawful to test an employee or job applicant unless the Labour Law grants permission. The average life expectancy of a person living with AIDS in SA is 10 years. In the vast majority of occupations and workplaces, there is no danger of accidental transmission of HIV. Testing will not minimise the impact of HIV / AIDS in the workplace. Employees are to become partners in the struggle to overcome the epidemic. Workplace programmes make employees aware of the dangers of the disease and counselling for those who are HIV positive should be implemented.

## **9.10 Rights of Employer**

Within the objectives of the Plan stated above the rights of the employer shall be maintained, inter alia to:

- a. provide job opportunities and make appointments in accordance with the functional needs of the local authority;
- b. demand sufficient production of an acceptable nature from the employee;
- c. lead and manage the administration so that the economic viability is enhanced.

## **9.11 Grievance / Disputes**

Any employee who has a grievance in respect of discrimination or affirmative action can lodge such grievance in accordance with the existing grievance procedure.

## **9.12 Monitoring and Progress**

The program shall be formally monitored in terms of agreed upon goals and timetables. Rigid aims of a quota system are unacceptable since they can lead to tokenism and ineffectiveness, as well as the undermining of the credibility of those who benefited in terms of this program.



## **10. COMMUNICATION, AWARENESS AND TRAINING**

In undertaking the necessary positive outcomes in terms of this section, the Municipality has taken the following steps:

- As far as possible, all stakeholders, including representatives from SAMWU (South African Municipal Workers Union), IMATU (Independent Municipal and Allied Trade Union) and management were represented.
- The employees of Mkhambathini Municipality will be informed/made aware of the content and the application of the Act by means of posting summaries of the Employment Equity Act and Basic Conditions of Employment Act on the notice boards.

## **11 STATEMENT OF INTENT**

The Mkhambathini Municipality acknowledges its responsibility:

- To offer equal job opportunities to all applicants and employees;
- To address imbalances in the composition of the present and future internal labour force with regard to race and by means of an Affirmative Action programme for a limited period, until such time as the staff composition is representative of the relevant labour market at all organisational levels;
- To accommodate the disabled where possible;
- Not to discriminate on the basis of race, colour, culture, ethnic or social origin, gender, disability, sexual orientation, age, religion or political affiliation;
- To plan, develop and implement a non-discriminatory organisation culture, structure, practices and implement a non-discriminatory organisational culture, structure, practices and initiatives;
- To train and encourage training opportunities for the advancement of designated groups;
- To eliminate all forms of sexual harassment;
- To ensure the job security of employees who are proficient in their posts with the implementation of affirmative action programmes; and
- To honour the principle of public liability by rendering a satisfactory and affordable service in a cost-effective manner.

## **12. GUIDELINES: FUNCTIONAL IMPLEMENTATION**

### **12.1 DURATION OF THE PLAN**

This plan has been prepared to cover the following period:

Year 1	-	01/07/2005	-	30/06/2006
Year 2	-	01/07/2006	-	30/06/2007

**12.2 SUMMARY OF OBJECTIVES:**

YEAR 1 (July 2005 to June 2006)

- Ensure that senior Management and the Council is visible and supportive throughout the process.
- Ensure all staff understand, accept and support the plan
- Labour Forum Committee to meet quarterly,
- Budget formulated and funds allocated,
- Achieving numerical goals

YEAR 2 (July 2006 – June 2007)

- Measure attainment of goals/targets year 1
- Consolidate objectives as outlined in year one, and set new objectives for the preceding year to make sure all targets are met.

**GENDER DISTRIBUTION**

GENDER	MUNICIPALITY POPULATION	MUNICIPALITY STAFF	TARGET (workforce to reflect demographics of the area)	
			JUNE 2006	JUNE 2007
	YEAR 2001	YEAR 2005		
MALE	28 115 (47.60%)	28 (58.33%)	53.00 %	50.00 %
FEMALE	30 945 (52.40%)	20 (41.67%)	47.00 %	50.00 %
TOTAL	100.00 %	100.00 %	0.00 %	0.00 %

**13. NUMERICAL GOALS AND WORKFORCE PROFILE**

As part of the reporting process and the completion of the plan, forms EEA2 and EEA4 were completed and a detailed workforce profile, both by Occupational Categories and by Occupational Levels was undertaken for submission to the Department of Labour.

**14. APPROVAL OF THE EMPLOYMENT EQUITY PLAN**

**The Municipal Manager accepts the Mkhambathini Municipality Employment Equity Plan as a realistic and achievable plan.** It is submitted that Mkhambathini Municipality has complied with all legislative requirements in this regard. The Municipal Manager is satisfied that all role players were consulted in the process, will support the above plan and will actively ensure the implementation of all of the above.

**Name of Organisation** : \_\_\_\_\_

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

**The Mkhambathini Municipality Employment Equity Plan is approved by:**

<b>Name of Representative</b>	<b>Signature</b>	<b>Capacity</b>
_____	_____	<b>MUNICIPAL MANAGER</b>

## **DEFINITION OF THE TERMS UNDER OCCUPATIONAL CATEGORIES**

### **1. Legislators, Senior Officials and Managers:**

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

### **2. Professionals**

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

### **3. Technicians and Associate Professionals**

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

### **4. Clerks**

This group includes occupations whose main tasks require the knowledge and experience necessary to organise, store, compute and retrieve information. The main tasks consist of performing secretarial duties, operating word processors and other office machines, recording and computing numerical data, and performing a number of customer orientated clerical duties, mostly in connection with mail delivery, in which the activities are predominantly non-manual. It includes: bookkeepers; tellers; cashiers; collectors (bills and accounts); messengers and office helpers; office machine operators; mail clerks; typists; telephone operators; electronic data processing equipment operators; clerk (production, shipping and receiving stock, scheduling, ticket, freight, library, reception, travel, hotel personnel, statistical, general office); secretarial, etc.

### **5. Service and Sales Workers**

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

personal care, protection of individuals and property, and maintaining law and order, or selling goods in shops or markets.

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

## **6. Skilled Agricultural and Fishery Workers**

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

## **7. Craft and Related Trades**

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

## **8. Plant and Machine Operators and Assemblers**

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

## **9. Elementary Occupations**

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