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**GOVERNMENT NOTICE**

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**DEPARTMENT OF LABOUR**

No. R. 124

28 February 2014

**EMPLOYMENT EQUITY ACT, 1998 (ACT 55 OF 1998 AS AMENDED)****DRAFT EMPLOYMENT EQUITY REGULATIONS 2014**

I Mildred Nelisiwe Oliphant, Minister of Labour in terms of Section 55(1) of the Employment Equity Act, 1998 (Act No 55 of 1998 as amended), and on the advice of the Commission for Employment Equity, hereby publish the regulations made in terms of the Employment Equity Act, Act 55 of 1998 as amended, for public comment, regulations published in notice ----- in the Government Gazette ----- . This notice will be effective from the date of publication.

Written comments on the draft Regulations are invited and should be submitted within 30 days of publication of the notice in the *Gazette* to the following address:

**By post:**

Department of Labour  
Employment Equity Directorate  
Attention: Ms Kholeka Mputa  
Private Bag X 117  
Pretoria  
0001

**By e-mail:**

kholeka.mputa@labour.gov.za  
genius.nkosi@labour.gov.za  
niresh.singh@labour.gov.za

or

**Hand delivered at:**

Laboria House  
215 Francis Baard Street,  
Pretoria (Room 109).

Any enquiries in connection with the Employment Equity Act Regulations can be directed to Mr Niresh Singh, at 012 309 4034; Ms Kholeka Mputa, at 012 309 4746 or Mr Themba Nkosi, at 012 309 4721,



MN OLIPHANT, MP

MINISTER OF LABOUR

17/02/2014

**DEPARTMENT OF LABOUR**  
**EMPLOYMENT EQUITY ACT, 1998 (ACT 55 OF 1998 AS AMENDED)**  
**EMPLOYMENT EQUITY REGULATIONS, 2014**  
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## SECTION A: Definitions

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

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

“Basic Conditions of Employment Act” means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997); as amended

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

“listed ground” means a ground listed in terms of section 6(1) of the Act.

“temporary employees” mean workers who are employed to work for three consecutive months or less

“work of equal value” includes work that is the same, substantially the same or of the same value as other work, as contemplated in regulation 4.

## SECTION B: Unfair Discrimination

### Equal Pay for Work of Equal Value Criteria

#### 1. Eliminating unfair discrimination

- (1) An employer must, in order to eliminate unfair discrimination, take steps to eliminate differences in terms and conditions of employment, including remuneration, of employees who perform work of equal value if those differences are directly or indirectly based on a listed ground<sup>1</sup> or any arbitrary ground that is prohibited by section 6(1) of the Act.
- (2) Without limiting sub regulation 1, an employer must ensure that employees are not paid different remuneration for work of equal value based on race, gender or disability.

#### 2. Meaning of work of equal value

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

- (a) is the same as the work of another employee of the same employer, if their work is identical or interchangeable;
- (b) is substantially the same as the work of another employee employed by that employer, if the work performed by the employees is sufficiently similar that they can reasonably be considered to be performing the same job, even if their work is not identical or interchangeable;
- (c) is of the same value as the work of another employee of the same employer in a different job, if their respective occupations are accorded the same value in accordance with regulations 3 to 5.

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<sup>1</sup>The grounds that are listed in section 6(1) of the Employment Equity Act, 1998 are: 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 or any other arbitrary ground

**3. Methodology**

When, applying s6 (4) of the Act –

- (a) it must first be established
  - (i) whether the work concerned is of equal value in accordance with regulation 4; and
  - (ii) whether there is a difference in terms and conditions of employment, including remuneration; and
- (b) it must then be established whether any difference in terms of sub regulation (a) (ii) constitutes unfair discrimination, applying the provisions of section 11 of the Act.

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

- (1) In considering whether work is of equal value, the relevant jobs must be objectively assessed taking into account the following criteria:
  - (a) the responsibility demanded of the work, including responsibility for people, finances and material;
  - (b) the skills, qualifications, including prior learning and experience required to perform the work, whether formal or informal;
  - (c) physical, mental and emotional effort required to perform the work;
  - (d) to the extent that it is relevant, the conditions under which work is performed, including physical environment, psychological conditions, time when and geographic location where the work is performed.
- (2) In addition to the criteria specified in sub regulation 1 any other factor indicating the value of the work may be taken into account in evaluating work, if the employer shows that the factor is relevant to assessing the value of the work.
- (3) The assessment undertaken in terms of sub regulations 1 and 2 must be conducted in a manner that is free from bias on grounds of race, gender or disability, any other listed ground or any arbitrary ground that is prohibited in terms of section 6(1) of the Act .
- (4) Despite sub regulations 1 and 2, an employer may justify the value assigned to an employee's work by reference to the classification of a relevant job in terms of a sectoral determination made by the Minister of Labour in terms of section 55 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 ) which applies to the employer.

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

- (1) If employees perform work that is of equal value, a difference in terms and conditions of employment, including remuneration, is not unfair discrimination if the difference is fair and rational and is based on any one or a combination of the following grounds:
  - (a) the individuals' respective seniority or length of service;
  - (b) the individuals' respective qualifications, ability, competence or potential above the minimum acceptable levels required for the performance of the job;
  - (c) the individuals' respective performance, quantity or quality of work, provided that employees are equally subject to the employer's performance evaluation system, that the performance evaluation system is consistently applied;
  - (d) where an employee is demoted as a result of organisational restructuring or for any other legitimate reason without a reduction in pay and fixing the employee's salary at this level until the remuneration of employees in the same job category reaches this level;
  - (e) where an individual is employed temporarily in a position for purposes of gaining experience or training and as a result receives different remuneration or enjoys different terms and conditions of employment
  - (f) the existence of a shortage of relevant skill, or the market value in a particular job classification;
  - (g) any other relevant factor that is not unfairly discriminatory in terms of section 6(1).
- (2) A differentiation in terms and conditions based on one or more grounds listed in sub regulation 1 will be fair and rational if it is established, in accordance with section 11 of the Act, that –
- (3) Its application is not biased against an employee or group of employees based on race, gender or disability or any other ground listed in section 6(1) of the Act; and
- (4) It is applied in a proportionate manner.

**6. Consultation over elimination of unfair discrimination in terms and conditions of employment**

- (1) A designated employer must consult, to the extent and in the manner required by section 16 of the Act, on the elimination of unfair discrimination due to differences in terms and conditions of employment of employees who are performing work of equal value that unfairly impact on employees from a designated group.
- (2) A designated employer and the representatives contemplated by section 16(1) of the Act may agree to engage in consultations on the elimination of unfair discrimination due to differences in terms and conditions of employment in any manner other than that contemplated by sub regulation 1.
- (3) Every employer that has not consulted in the manner contemplated by sub regulation 1 or 2 must, if requested by a representative consulting party contemplated by sub regulation 4 enter into consultations on the elimination of unfair discrimination due to differences in terms and conditions of employment of

employees who are performing work of equal value that unfairly impact on employees from a designated group.

- (4) For the purposes of sub regulation 3, a representative consulting party means –
  - (a) one or more registered trade unions representing more than half of an employer's workforce and
  - (b) if there are no such trade unions, representative of its employees representing more than half of an employer's workforce and reflecting the interests of employees in accordance with the requirements of section 16(2) of the Act.
- (5) An employer must, for the purpose of consultations in terms of this regulation, disclose any information that will allow those parties to consult effectively.
- (6) Section 16 of the Labour Relations Act applies, with the changes required by the context, to a dispute over the disclosure of any information during any consultation held in terms of this regulation.

### **SECTION C: Duties of a designated employer**

#### **1. Collecting information and conducting an analysis**

- (1) When a designated employer collects information contemplated in section 19 of the Act, the employer must request each employee in the workforce to complete a declaration using the **EEA1 form**.
- (2) An employee may add information to the EEA1 form.
- (3) Where an employee refuses to complete the EEA1 form or provides inaccurate information, the employer may establish the designation of an employee by using reliable historical and existing data. People with disabilities have the right to declare or not to declare their disability.
- (4) A designated employer must use section B of the **EEA2** form to develop the profile of the employer's workforce as required by section 19(2) of the Act.
- (5) When a designated employer conducts the analysis as required by section 19 of the Act, the employer may refer to –
  - (a) **EEA8**, a guide on the applicable national and regional economically active population (EAP); and
  - (b) **EEA9**, which contains a description of occupational levels.
- (6) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act as a guide when collecting information and conducting the analysis required by section 19 of the Act.
- (7) A designated employer must conduct an analysis as required by section 19 of the Act in terms of the **EEA12** by reviewing its workforce profile and employment policies, practices, procedures and the working environment in

order to identify employment barriers which adversely affect people from designated groups from being equitably represented across all occupational levels.

## **2. Duty to prepare and implement an employment equity plan**

- (1) A designated employer must refer to the relevant Codes of Good Practice issued in terms of section 54 of the Act when preparing an employment equity plan contemplated in section 20 of the Act.
- (2) The employment equity plan must contain, at a minimum, all the elements contained in the **EEA13** template of these regulations.
- (3) A designated employer must retain their employment equity plan for a period of five years after the expiry of the plan.
- (4) A designated employer must refer to the EEA9 in the regulations for guidance on how to differentiate between the various occupational levels.

## **3. Duty to report**

- (1) A designated employer must submit a report in terms of section 21 of the Act annually on the first working day of October or on such other date as may be prescribed using the **EEA2** form to the Director General and the report must be addressed to the Employment Equity Registry, Department of Labour, Private Bag X117, Pretoria, 0001.
- (2) A designated employer may also submit an employment equity report electronically using the online reporting system available on the departmental website, [www.labour.gov.za](http://www.labour.gov.za) by the prescribed date.
- (3) An employer, who becomes designated on or after the first working day of April, but before the first working day of October must only submit its first report on the first working day of October in the following year or on such other date as may be prescribed.
- (4) A designated employer that is a holding company with more than one registered entity may choose to submit a consolidated report.
- (5) A designated employer who chooses to submit a consolidated report contemplated in sub regulation 3(4) must have a consolidated plan which is supported by individual employment equity plans for each registered entity included in the consolidated report.
- (6) The method of reporting for the duration of the plan should remain consistent from year-to-year and from reporting period to reporting period.
- (7) An employer must inform the Department in writing immediately of any changes to their trade name, designation status, contact details or any other major changes, including mergers, acquisitions and insolvencies.

- (8) A designated employer who is unable to report by the first working day of October must notify and provide reasons in writing to seek the approval of the Director-General by completing and submitting the **EEA14** form before the last working day of August in the same year of reporting.
- (9) A designated employer must retain a copy of the report for a period of five years after it has been submitted to the Director-General.
- (10) In terms of Section 22, every designated employer that is a public company must publish a summary of a report required by Section 21 reflecting progress in their annual financial report by using the **EEA10** annexure for guidance. Furthermore when a designated employer within any organ of state has produced a report in terms of Section 21, the Minister responsible for that employer must table that report in Parliament.
- (11) An employment equity report (EEA2), except for the Income Differential Statement reflected in the EEA4 form, submitted to the Department of Labour is a public document. A request for a copy of such a report may be made by the public by completing and submitting the **EEA11** form.

#### **4. Duty to inform**

The notice contemplated in section 25(1) of the Act must be in the form of the **EEA3**.

#### **5. Income differentials and discrimination**

- (1) A designated employer must submit an Income Differential Statement in terms of section 27 of the Act using the **EEA4** form to the Employment Conditions Commission, which must be addressed to the Employment Equity Registry, Department of Labour, Private BagX117, Pretoria, 0001, unless the employer is completing the prescribed forms on the Department of Labour's EE Online Reporting System.
- (2) A designated employer must retain a copy of the statement of income differentials contemplated in sub regulation 5(1) for a period of five years after it has been submitted.

### **SECTION D: Enforcement Mechanisms**

#### **1. Requesting an undertaking**

A labour inspector may request and obtain a written undertaking using the **EEA5** form.

#### **2. Compliance order**

A labour inspector may issue a compliance order to a designated employer using the **EEA6** form.

**3. Determination of national and regional demographics for equitable representation**

- (1) In setting numerical goals and targets, employers can use the demographic profile of the national and regional economically active population applicable to them.
- (2) A designated employer employing 150 or more employees should use the national economically active population (EAP) for the upper three levels (viz. Top Management, Senior Management and Professionally Qualified), and an average of the national and regional economically active population for the lower levels (viz. Skilled Technical, Semi-skilled and Unskilled) as a guide in setting their numerical goals and targets in their employment equity plans.
- (3) A designated employer with 149 or less employees should use the national economically active population for the upper two levels (viz. Top Management and Senior Management), and the regional economically active population for the lower levels (viz. Professionally Qualified, Skilled Technical, Semi-skilled and Unskilled) as a guide in setting their numerical goals and targets in their employment equity plans.

**4. Review by Director-General (DG Review)**

The Director General may require designated employers who have been identified for the DG Review process to fully and accurately complete the DG Review Assessment form (**EEA7**) and furnish the required documents.


**SECTION E: General Administrative Matters****1. Repeal of laws**


The Employment Equity Regulations, 2009 as published in *Government Gazette* Regulation Notice No. R. 32393 of 14 July of 2009 is hereby repealed.

**2. Short Title**

These Regulations are called the Employment Equity Regulations, 2014.

<b>DECLARATION BY EMPLOYEE</b> <i>(Confidential)</i>																	
<p><b>PLEASE READ THIS FIRST</b></p> <p style="text-align: center;">↓</p> <p><b>PURPOSE OF THIS FORM</b></p> <p>This form is used to obtain information from employees for the purpose of assisting employers in conducting an analysis on the workforce profile. Employers should use this form to ascertain which employees are from designated groups in terms of the Employment Equity Act, 55 of 1998.</p> <p><b>WHO COMPLETES THIS FORM?</b></p> <p>Employees should fill in this form.</p> <p><b>INSTRUCTIONS</b></p> <p>All employers must ensure that the contents of this form remain confidential, and that it is only used to comply with the Employment Equity Act, 55 of 1998.</p> <p>'Designated groups', means black people and people with disabilities who-</p> <p>a) Are citizens of the Republic of South Africa by birth or descent; or</p> <p>b) Became citizens of the Republic of South Africa by naturalization –</p> <p>(i) before 27 April 1994; or</p> <p>(ii) after 26 April 1994 and would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by Apartheid policies.</p> <p>'People with disabilities' are defined in the Act as people who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into, or advancement in employment.</p> <p>*Please note that people with disabilities have the right to disclose or not to disclose their disability.</p>	<p>1. Name of employee:-----</p> <p>2. Employee workplace No: ----- <i>(This is the number that an employer/company/organization uses to identify an employee in the workplace.)</i></p> <p>3. Please indicate to which categories you belong with an 'X' below:</p> <table border="1" style="margin-left: 20px; margin-bottom: 10px;"> <tr> <td style="width: 50px;">Male</td> <td style="width: 50px;">Female</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table> <table border="1" style="margin-left: 20px; margin-bottom: 10px;"> <tr> <td style="width: 50px;">African</td> <td style="width: 50px;">Coloured</td> <td style="width: 50px;">Indian</td> <td style="width: 50px;">White</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table> <table border="1" style="margin-left: 20px;"> <tr> <td style="width: 150px;">Foreign Nationals</td> <td style="width: 50px;"> </td> </tr> </table> <p>If you are not a citizen by birth, please indicate the date you acquired your citizenship: -----</p> <table border="1" style="margin-left: 20px; margin-bottom: 10px;"> <tr> <td style="width: 150px;">Person with a disability*</td> <td style="width: 50px;"> </td> </tr> </table> <p>If yes, specify nature of disability: -----</p> <p>4. I verify that the above information is true and correct.</p> <p style="margin-left: 100px;">Signed: -----</p> <p style="margin-left: 150px;">Employee</p> <p style="margin-left: 100px;">Date: -----</p>	Male	Female			African	Coloured	Indian	White					Foreign Nationals		Person with a disability*	
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Person with a disability*																	

 <b>labour</b> Department: Labour REPUBLIC OF SOUTH AFRICA	PAGE 1 OF 9	EEA2
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PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS																																																																						
<div style="text-align: center; margin-bottom: 10px;">  </div> <p><b>PURPOSE OF THIS FORM</b></p> <p>This form enables employers to comply with Section 21 of the Employment Equity Act 55 of 1998, as amended.</p> <p>This form contains the format for employment equity reporting by designated employers to the Department of Labour.</p> <p><b>WHO COMPLETES THIS FORM?</b></p> <p>All designated employers. Employers who wish to voluntarily comply with Chapter 3 of the Act are also required to complete this form.</p> <p><b>WHEN SHOULD EMPLOYERS REPORT?</b></p> <p>Designated employers must submit their report annually on the first working day of October.</p> <p>Employers who become designated on or after the first working day of April but before the first working day of October of the same year must submit their first report by the first working day of October of the following year, or on such other date as may be prescribed.</p> <p><b>SEND TO:</b></p> <p>Employment Equity Registry                  The Department of Labour                  Private Bag X117                  Pretoria 0001</p> <p><b>Online reporting:</b>  <a href="http://www.labour.gov.za">www.labour.gov.za</a>                  Helpline: 0860101018</p> <p><b>NO FAX OR E-MAIL WILL BE ACCEPTED</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Trade name</td><td></td></tr> <tr><td>DTI registration name</td><td></td></tr> <tr><td>DTI registration number</td><td></td></tr> <tr><td>PAYE/SARS number</td><td></td></tr> <tr><td>UIF reference number</td><td></td></tr> <tr><td>EE reference number</td><td></td></tr> <tr><td>Seta classification</td><td></td></tr> <tr><td>Industry/Sector</td><td></td></tr> <tr><td>Telephone number</td><td></td></tr> <tr><td><b>Postal address</b></td><td></td></tr> <tr><td>Postal code</td><td></td></tr> <tr><td>City/Town</td><td></td></tr> <tr><td>Province</td><td></td></tr> <tr><td><b>Physical address</b></td><td></td></tr> <tr><td>Postal code</td><td></td></tr> <tr><td>City/Town</td><td></td></tr> <tr><td>Province</td><td></td></tr> <tr><td colspan="2"><b>Details of CEO/Accounting Officer at the time of submitting this report</b></td></tr> <tr><td>Name and surname</td><td></td></tr> <tr><td>Telephone number</td><td></td></tr> <tr><td>Fax number</td><td></td></tr> <tr><td>Email address</td><td></td></tr> <tr><td colspan="2"><b>Details of Employment Equity Senior Manager at the time of submitting this report</b></td></tr> <tr><td>Name and Surname</td><td></td></tr> <tr><td>Telephone number</td><td></td></tr> <tr><td>Fax number</td><td></td></tr> <tr><td>Email address</td><td></td></tr> <tr><td colspan="2"><b>Business type</b></td></tr> <tr> <td> <input type="checkbox"/> Private Sector  <input type="checkbox"/> National Government  <input type="checkbox"/> Local Government  <input type="checkbox"/> Non-profit Organization                 </td> <td> <input type="checkbox"/> Parastatal  <input type="checkbox"/> Provincial Government  <input type="checkbox"/> Educational Institution                 </td> </tr> <tr><td colspan="2"><b>Information about the organization at the time of submitting this report</b></td></tr> <tr> <td>Number of employees in the organization</td> <td> <input type="checkbox"/> 0 to 49  <input type="checkbox"/> 50 to 149  <input type="checkbox"/> 150 or more                 </td> </tr> <tr> <td>Is your organization an organ of State?</td> <td> <input type="checkbox"/> Yes  <input type="checkbox"/> No                 </td> </tr> <tr> <td>Is your organisation part of a group / holding company?</td> <td> <input type="checkbox"/> Yes  <input type="checkbox"/> No                 </td> </tr> <tr> <td>If yes, please provide the name</td> <td>_____</td> </tr> <tr> <td>Year for which this report is submitted</td> <td>_____</td> </tr> </table>	Trade name		DTI registration name		DTI registration number		PAYE/SARS number		UIF reference number		EE reference number		Seta classification		Industry/Sector		Telephone number		<b>Postal address</b>		Postal code		City/Town		Province		<b>Physical address</b>		Postal code		City/Town		Province		<b>Details of CEO/Accounting Officer at the time of submitting this report</b>		Name and surname		Telephone number		Fax number		Email address		<b>Details of Employment Equity Senior Manager at the time of submitting this report</b>		Name and Surname		Telephone number		Fax number		Email address		<b>Business type</b>		<input type="checkbox"/> Private Sector <input type="checkbox"/> National Government <input type="checkbox"/> Local Government <input type="checkbox"/> Non-profit Organization	<input type="checkbox"/> Parastatal <input type="checkbox"/> Provincial Government <input type="checkbox"/> Educational Institution	<b>Information about the organization at the time of submitting this report</b>		Number of employees in the organization	<input type="checkbox"/> 0 to 49 <input type="checkbox"/> 50 to 149 <input type="checkbox"/> 150 or more	Is your organization an organ of State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Is your organisation part of a group / holding company?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please provide the name	_____	Year for which this report is submitted	_____
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Please indicate below the preceding twelve month period the report covers:

From (date): \_\_\_\_/\_\_\_\_/\_\_\_\_ to (date): \_\_\_\_/\_\_\_\_/\_\_\_\_  
DD / MM / YYYY DD / MM / YYYY

Please indicate below the duration of your current employment equity plan:

From (date): \_\_\_\_/\_\_\_\_/\_\_\_\_ to (date): \_\_\_\_/\_\_\_\_/\_\_\_\_  
DD / MM / YYYY DD / MM / YYYY

### PLEASE READ THIS FIRST

- a. The report should cover a twelve month period and the months covered should be consistent from year to year for the duration of the plan.
- b. Employers must complete the EEA2 and the EEA4 forms and submit them together to the Department of Labour. Reports submitted by employers to the Department can only be hand delivered, posted or submitted online by the first working day of October of the same year of reporting or on such other date as may be prescribed
- c. An employer, who becomes designated on or after the first working day of April, but before the first working day of October, must only submit its first report on the first working day of October in the following year or on such other date as may be prescribed.
- d. The employees reflected in the workforce profile of the EEA2 form in terms of race and gender must be the same as in the EEA4 form, including the totals and grand totals.
- e. "Designated groups" mean Black people (i.e. Africans, Coloureds and Indians), women and people with disabilities who (i) are citizens of the Republic of South Africa by birth or descent; or (ii) became citizens of the Republic of South Africa by naturalization before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by apartheid policies.
- f. Employees who fall outside the definition described in paragraph (e), including South African citizens, must be counted and included in the column of each table in the EEA2 form that require data on Foreign Nationals.
- g. The alphabets "A", "C", "I", "W", "M" and "F" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians", "Whites", "Males" and "Females" respectively.
- h. "Temporary employees" mean workers who are employed to work for three consecutive months or less.
- i. Guidelines on occupational levels are provided in the EEA9 Annexure of these regulations.
- j. The **Numerical goals** must include the entire workforce profile, and **NOT** the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve at the end of its employment equity plan (EE Plan).
- k. The **Numerical targets** must include the entire workforce profile, and **NOT** the difference between the current workforce profile and the projected workforce profile the employer seeks to achieve by the next reporting period.
- l. All areas of the form must be fully and accurately completed and submitted by employers. Designated employers who fail to observe this provision will be deemed not to have reported.
- m. Employers must **not** leave blank spaces, use 'not applicable' (NA) or a 'dash' (-) when referring to the value "0" (Zero) or the word "No".

**SECTION B: WORKFORCE PROFILE**

**1. WORKFORCE PROFILE**

1.1 Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational levels**: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

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

1.2 Please report the total number of **employees with disabilities only** in each of the following occupational levels: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

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

**SECTION C: WORKFORCE MOVEMENT****2. Recruitment**

2.1. Please report the total number of new recruits, including people with disabilities. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

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

**3. Promotion**

3.1. Please report the total number of promotions into each occupational level, including people with disabilities. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

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

#### 4. Termination

4.1. Please report the total number of terminations in each occupational level, including people with disabilities. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

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

#### SECTION D: SKILLS DEVELOPMENT

#### 5. Skills Development

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

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

**SECTION E: NUMERICAL GOALS & TARGETS****6. Numerical goals**

6.1. Please indicate the numerical goals as contained in the EE Plan (i.e. the entire workforce profile **including people with disabilities**) you project to achieve at the end of your current employment equity plan in terms of occupational levels. Note: A=Africans, C=Coloureds, I=Indians and W=Whites:

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

**7. Numerical targets**

7.1. Please indicate the numerical targets as contained in the EE Plan (i.e. the entire workforce profile **including people with disabilities**) you project to achieve at the end of the next reporting cycle, in terms of occupational levels. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

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

**SECTION F: MONITORING & EVALUATION****8. Consultation**

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

<b>Consultation</b>	<b>Yes</b>	<b>No</b>
Black people		
Women		
People with Disabilities		
Non-designated groups		
Representatives of employees/Trade unions		
Representatives of the various occupational levels		

**9. Barriers and affirmative action measures**

9.1. Please indicate which categories of employment policy or practice barriers to employment equity were identified. If your answer is 'Yes' to barriers in any of the categories, please indicate the affirmative action measures developed and the timeframes to overcome them.

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

**10. Monitoring and evaluation of implementation**

10.1. How regularly do you monitor progress on the implementation of the employment equity plan? Please choose one.

Monthly	Quarterly

10.2. Did you achieve the annual objectives as set out in your employment equity plan for this period?

Yes	No	Please explain

**SECTION G: Signature of the Chief Executive Officer/Accounting Officer**

<p><b>Chief Executive Officer/Accounting Officer</b></p> <p>I -----(full Name)                  CEO/Accounting Officer of</p> <p>-----</p> <p>hereby declare that I have read, approved and authorized this report.</p> <p>Signed on this -----day of -----(month) year-----</p> <p>At (place):-----</p> <p>-----</p> <p>Chief Executive Officer/Accounting Officer Signature</p>
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## **SUMMARY OF THE EMPLOYMENT EQUITY ACT, 55 OF 1998, AS AMENDED ISSUED IN TERMS OF SECTION 25(1)**

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

#### **1.1. Definitions : Section 1**

- (a) Designated groups mean black people, women and people with disabilities who are citizens of the Republic of South Africa by birth or descent, or became citizens of the Republic of South Africa by naturalization: before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but were precluded by apartheid policies.
- (b) Designated employer means an employer who employs 50 or more employees, or an employer who employs fewer than 50 employees, but has a total annual turnover as reflected in Schedule 4 of the Act, municipalities and organs of State. Employers can also volunteer to become designated employers.
- (c) Temporary employees mean workers who are employed to work for three consecutive months or less.

#### **1.2. Purpose of the Act: Section 2**

The purpose of this act is to achieve equity in the workplace by-

- (a) Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and
- (b) Implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups to ensure their equitable representation in all occupational levels in the workforce.

#### **1.3. Application of the Act: Section 4**

- (a) Chapter II applies to all employers and employees. Chapter III applies to designated employers and people from designated groups.
- (b) The South African National Defence Force, National Intelligence Agency, and South African Secret Services are excluded from this Act.

### **2. Chapter II – prohibition of unfair discrimination**

- (a) No person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground.
- (b) It is not unfair discrimination to promote affirmative action consistent with the Act or to prefer or exclude any person on the basis of an inherent job requirement.

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

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

#### **2.2. Medical testing: Section 7**

- (a) Medical testing of an employee is permissible only when legislation requires testing or when this is justifiable for various reasons.
- (b) HIV testing is prohibited unless such testing is determined to be justifiable by the Labour Court.

#### **2.3. Psychometric testing: Section 8**

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

any employee; and has been certified by the Health Professions Council of South Africa (HPCSA) established under the Health Professions Act, 56 of 1974 or any other body which may be authorized by law to certify such tests or assessments.

#### **2.4. Disputes concerning Chapter 2: Section 10**

- (a) An employee, or applicant for employment, may refer a dispute concerning alleged unfair discrimination, medical or psychological testing to the CCMA for conciliation. This must be done within six months of the alleged discrimination or testing.
- (b) If a dispute is not resolved after conciliation, any party to the dispute may refer it to the Labour Court for adjudication. The parties to a dispute may also agree to refer the dispute for arbitration.
- (c) Unfair dismissal disputes in which unfair discrimination is alleged must be dealt with in terms of the Labour Relations Act. The dismissal must be referred to the CCMA within 30 days.
- (d) An employee may refer a dispute to the CCMA for arbitration if :–
  - (i) the employee alleges sexual harassment; and
  - (ii) in any other case, where the employee earns less than the amount prescribed by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act; or
- (e) Any party may refer the dispute to the CCMA for arbitration.

### **3. Chapter III – Affirmative Action**

#### **3.1 Duties of a designated employer: Section 13**

- (a) A designated employer must implement affirmative action measures for designated groups to achieve employment equity.
- (b) In order to implement affirmative action measures, a designated employer must-
  - (i) Consult with employees;
  - (ii) Conduct analysis;
  - (iii) Prepare an employment equity plan; and
  - (iv) Report to the Director-General on progress made in the implementation of the plan.

#### **3.2 Affirmative action measures: Section 15**

- (a) Affirmative action measures are measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunities and are equitably represented in all occupational levels of the workforce.
- (b) Such measures must include:
  - (i) Identification and elimination of barriers with an adverse impact on designated groups;
  - (ii) Measures which promote diversity;
  - (iii) Making reasonable accommodation for people from designated groups;
  - (iv) Retention, development and training of designated groups (including skills development); and
  - (v) Preferential treatment and numerical goals to ensure equitable representation, which exclude quotas.
- (c) Designated employers are not required to take any decision regarding an employment policy or practice that would establish an absolute barrier to prospective or continued employment or advancement of people not from designated groups.

#### **3.3 Consultation: Section 16 and 17**

- (a) A designated employer must consult with its employees and their representatives on employment equity matters
- (b) Designated employers should consult with employees both from designated and non-designated groups, and employees representing the interests of individuals from the various occupational levels.
- (c) Matters for consultation must include issues relating to the conducting of an analysis, preparing and implementing an employment equity plan and preparation and submission of employment equity reports.

#### **3.4 Disclosure of information: Section 18**

To ensure meaningful consultation, the employer must disclose relevant information to the consulting parties, subject to section 16 of the Labour Relations Act 66 of 1995.

**3.5 Analysis: Section 19**

A designated employer must conduct an analysis of employment policies, practices, procedures and the work environment so as to identify employment barriers that adversely affect members of the designated groups. The analysis must also include the development of a workforce profile to determine to what extent designated groups are under-represented in the workplace.

**3.6. Employment Equity Plan: Section 20**

- (a) A designated employer must prepare and implement an employment equity plan, which must not be shorter than one year and not longer than five years, and should include a timetable for the achievement of goals and objectives for each year of the plan.
- (b) The Director-General may apply to the Labour Court to impose a fine in terms of Schedule 1 for failure to prepare and implement an employment equity plan.

**3.7. Report: Section 21**

- (a) A designated employer must submit a report to the Director-General annually on the first working day of October or on such other date as may be prescribed.
- (b) The Labour Court may, on application by the Director-General, impose a fine contemplated in Schedule 1 of this Act for failure to report.

**3.8. Designated employer must assign a manager: Section 24**

A designated employer must assign one or more senior managers to ensure implementation and monitoring of the employment equity plan and must make available necessary resources for this purpose.

**3.9. Income differentials: Section 27**

- (a) A statement of remuneration and benefits received in each occupational level of that employer's workforce must be submitted by a designated employer to the Employment Conditions Commission (ECC).
- (b) Where disproportionate income differentials or unfair discrimination in terms and conditions of employment as contemplated by section 6(4) of the Act are reflected in the statement contemplated in sub-regulation (a), a designated employer must take measures to progressively reduce such differentials subject to guidance as may be given by the Minister as contemplated in Section B of these regulations.

**4. Chapter V - Monitoring, Enforcement and Legal Proceedings****4.1 Monitoring: Section 34**

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

**4.2 Powers of the Labour Inspector: Section 35**

Labour Inspectors are authorised to conduct an inspection as provided for in section 65 and 66 of the Basic Conditions of Employment Act, 1997.

**4.3 Undertaking to comply: Section 36**

- (a) If the inspector has reasonable grounds to believe a designated employer has failed to comply with its obligations in terms of the Act, the inspector may request and obtain a written undertaking to comply within a specified period.
- (b) If an employer fails to comply with an undertaking, the Director-General may apply to the Labour Court to make such an undertaking an order of the Labour Court.

**4.4 Compliance Order: Section 37**

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

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

- (a) The Director-General may conduct a review to determine whether an employer is complying with the Act.
- (b) The outcome of the review may result in the Director-General approving the designated employers' employment equity plan: or may make recommendations to fulfil the requirements of the Act.
- (c) If an employer fails to comply with a request made by the Director-General in terms of section 43(2) or a recommendation made by the Director-General in terms of section 44 (b), the Director-General may apply to the Labour Court for an order directing the employer to comply with the request or recommendation or to impose a fine in terms of Schedule 1 of this Act.

**4.6 Powers of the Labour Court: Section 50**

The Labour Court has the powers to make any appropriate orders, award compensation or impose fines.

**4.7 Protection of employee Rights: Section 51**

The Act protects employees who exercise their rights and obligations under the Act against victimisation, obstruction and undue influence.


**5. Chapter VI – General Provisions****5.1 State contracts: Section 53**

Designated employers and employers who voluntarily comply with Chapter III, and who seek to do business with any organ of state, will have to apply for a certificate from the Minister confirming their compliance with chapter II and III of the Act. Non-designated employers' compliance certificate will pertain to chapter II.

**5.2 Liability of Employers: Section 60**

Should employees contravene any provision of this Act while performing their duties; the employer will be liable, unless the employer can prove that it did everything in its power to prevent the undesired act.



PLEASE READ THIS FIRST	SECTION A: EMPLOYER DETAILS & INSTRUCTIONS	
		
<b>PURPOSE OF THIS FORM</b>		
<p>This form enables employers to comply with Section 27 (1) of the Employment Equity Act 55 of 1998 (as amended).</p>	Trade name	
<p>This form contains the format for income differential statement to be completed by designated employers to the Employment Conditions Commission.</p>	DTI registration name	
<b>WHO COMPLETES THIS FORM?</b>	DTI registration number	
<p>All designated employers who are required to submit a report in terms of Section 27(1) of the Employment Equity Act, 55 of 1998 (as amended) and those employers who wish to voluntarily comply with the reporting requirements of the Act are also required to complete this form.</p>	PAYE/SARS number	
<b>WHEN SHOULD EMPLOYERS REPORT?</b>	UIF reference number	
<p>Employers must submit the income differential statement annually on the first working day of October or any other date as may be prescribed.</p>	EE reference number	
<p>Employers who become designated on or after the first working day of April but before the first working day of October of the same year must submit their income differential statement on the first working day of October of the following year.</p>	Seta classification	
<b>SEND TO:</b>	Industry/Sector	
<p><b>Employment Equity Registry</b> The Department of Labour Private Bag X117 Pretoria 0001</p>	Telephone number	
<p><b>Online reporting:</b> <a href="http://www.labour.gov.za">www.labour.gov.za</a> Helpline: 0860101018</p>	Fax number	
<b>NO FAX OR E-MAIL WILL BE ACCEPTED</b>	Email address	
	<b>Postal address</b>	
	Postal code	
	City/Town	
	Province	
	<b>Physical address</b>	
	Postal code	
	City/Town	
	Province	
	<b>Details of CEO/Accounting Officer at the time of submitting this report</b>	
	Name and surname	
	Telephone number	
	Fax number	
	Email address	
	<b>Details of Employment Equity Senior Manager at the time of submitting this report</b>	
	Name and Surname	
	Telephone number	
	Fax number	
	Email address	
	<b>Business type</b>	
	Private Sector	Parastatal
	National Government	Provincial Government
	Local Government	Educational Institution
	Non-profit Organization	
	<b>Information about the organization at the time of submitting this report</b>	
	Number of employees in the organization	0 to 49
	Is your organization an organ of State?	50 to 149
	Is your organisation part of a group / holding company?	150 or more
	If yes, please provide the name.	Yes
	Year for which this report is submitted	No
		No

**THE FOLLOWING MUST BE TAKEN INTO CONSIDERATION WHEN COMPLETING THE EEA4 FORMS**

1. All employees (including Foreign Nationals) must be included when completing the EEA4 form in the appropriate space provided in the table below. Temporary employees mean workers who are employed to work for three consecutive months or less;
2. The total number of employees covered in the EEA4 reporting form must be exactly the same as the number of employees covered in Table 1.1 in the EEA2 reporting form in terms of race and gender. The "as at date" to determine representation levels for the EEA4 in terms of race and gender must be aligned and exactly the same date used to determine the workforce profile in Table 1.1 of the EEA2 reporting form.
3. Calculation of remuneration must include twelve months, which must be in line with the period covered by the EEA2 reporting form. In the case of employees who have not worked a full twelve month period an amount equivalent to the annual salary should be furnished, e.g. if a person worked for three months and earned R30 000, the annual equivalent will be  $(R30\ 000 / 3) * 12$ , which means the annual equivalent for this person will be R120 000. All payment amounts to be reflected in the table below must be rounded to the nearest Rand (R) and included as total remuneration for each group in terms of race and gender.
4. No blank spaces, commas (,), full stops or decimal points (.) or any other separator should be included when capturing the payment amounts in each of the cells in the table below – for example R7 345 567.22 must be captured as 7345567 with no separators.
5. The payments below indicate what must be included and what must be excluded in an employee's remuneration for the purposes of calculating pay in order to complete the EEA4 form.
  - 5.1 Included
    - (a) Housing or accommodation allowance or subsidy or housing or accommodation received as a benefit in kind;
    - (b) Car allowance or provision of a car, except to the extent that the car is provided to enable the employee to work;
    - (c) Any cash payments made to an employee, except those listed as exclusions in terms of this schedule;
    - (d) Any other payment in kind received by an employee, except those listed as exclusions in terms of this schedule;
    - (e) Employer's contributions to medical aid, pension, provident fund or similar schemes; and
    - (f) Employer's contributions to funeral or death benefit schemes.
  - 5.2 Excluded
    - (a) Any cash payment or payment in kind provided to enable the employee to work (for example, an equipment, tool or similar allowance or the provision of transport or the payment of a transport allowance to enable the employee to travel to and from work);
    - (b) A relocation allowance;
    - (c) Gratuities (for example, tips received from customers) and gifts from the employer;
    - (d) Share incentive schemes;
    - (e) Discretionary payments not related to an employee's hours of work or performance (for example, a discretionary profit-sharing scheme);
    - (f) An entertainment allowance; and
    - (g) An education or schooling allowance.
6. The value of payments in kind must be determined as follows –
  - (a) a value agreed to in either a contract of employment or collective agreement, provided that the agreed value may not be less than the cost to the employer of providing the payment in kind; or
  - (b) the cost to the employer of providing the payment in kind.
7. An employee is not entitled to a payment or the cash value of a payment in kind as part of remuneration if
  - (a) the employee received the payment or enjoyed, or was entitled to enjoy, the payment in kind during the relevant period; or
  - (b) in the case of a contribution to a fund or scheme that forms part of remuneration, the employer paid the contribution in respect of the relevant period.
8. If a payment fluctuates over a period of 13 weeks or if an employee has been in employment for a shorter period, the actual amount for that period should be calculated and converted to the annual equivalent.

**INCOME DIFFERENTIALS STATEMENT**

Please use the table below to indicate the number of employees, including people with disabilities, and their remuneration in each occupational level in terms of race and gender.

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

**Signature of the Chief Executive Officer/Accounting Officer**

**Chief Executive Officer /Accounting Officer**

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

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

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

At (place): -----

-----  
Chief Executive Officer/Accounting Officer Signature



DEPARTMENT OF LABOUR

WRITTEN UNDERTAKING

**PLEASE READ THIS FIRST**

↓

**PURPOSE OF THIS FORM**

To obtain a written undertaking from the employer in terms of Section 36 to comply with the requirements of the Employment Equity Act, 55 of 1998, as amended.

**WHO COMPLETES THIS FORM?**

An employer, assisted by a labour inspector.

**WHO RECEIVES THIS FORM?**

This form goes to the inspector.

**INSTRUCTIONS**

A labour inspector may request and obtain a written undertaking from a designated employer to comply with the provisions of Section 36 within a specified period.

Failure to comply with this undertaking, may result in the Director-General applying to the Labour Court, to make this undertaking, or any part thereof, an order of the Labour Court.

**Employer Details**

Trade name.....

DTI registration name .....

PAYE/SARS No.....

EE Ref. No.....

Industry/Sector.....

Tel No.....

Fax No.....

Postal address.....

Physical address.....

Name & Surname of the CEO/Accounting Officer

.....

Email address.....

**Undertake to comply with the following provisions of the Act and its Regulations below by ticking the applicable box**

- i. consult with employees (section 16 read with section 17)

Please specify

- ii. conduct an analysis (section 19)

Please specify

- iii. publish report (section 22)
- iv. assign responsibility to one or more senior managers (section 24)
- v. inform employees (section 25)
- vi. keep records (section 26)

1. You are required to comply with this written undertaking within.....days of receipt hereof:

OBTAINED ON .....Day of (Month).....Year .....

At (Place).....

SIGNED: EMPLOYER/ ON BEHALF OF EMPLOYER

.....

SIGNED: LABOUR INSPECTOR .....

CONTACT DETAILS OF INSPECTOR: .....

PHYSICAL ADDRESS.....

.....

.....

.....

 <p><b>labour</b> Department: Labour REPUBLIC OF SOUTH AFRICA</p>	<p>PAGE 1 OF 2</p>	<p>EEA6</p>
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**PLEASE READ THIS FIRST**

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**PURPOSE OF THIS FORM**

This form is used to issue a compliance order to an employer who has failed to comply with sections 16, 17, 19, 22, 24, 25 or 26 of the Employment Equity Act, 55 of 1998, as amended.

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

**WHO COMPLETES THIS FORM?**

A labour inspector fills this form.

**WHO RECEIVES THIS FORM?**

This form goes to the employer.

**INSTRUCTIONS**

The employer must display a copy of this order prominently at a place accessible to the affected employees at each workplace named in it.

**DEPARTMENT OF LABOUR**

**COMPLIANCE ORDER**

Ref/Case No: .....

**Employer Details**

Trade name.....

DTI registration name .....

PAYE/SARS No.....

EE Ref. No.....

Industry/Sector.....

Tel No.....

Fax No.....

Postal address.....

Physical address.....

Name & Surname of the CEO/Accounting Officer

.....

Email address.....

1. You are required to comply with the following provisions of the Act and its regulations: (tick the applicable box(es) below)

- Consult with employees (section 16 read with section 17)
- Conduct an analysis (section 19)
- Publish the report (section 22)
- Assign responsibility to one or more senior managers (section 24)
- Inform employees (section 25)
- Keep records (section 26)

2. You are required to comply with this compliance order within..... days of receipt hereof: