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PUBLIC COMMENT IS SOUGHT ON THE DRAFT CODE OF GOOD PRACTICE ON THE PREPARATION AND IMPLEMENTATION OF THE EMPLOYMENT EQUITY PLAN

And you have until 30 October to submit your input!

In the Government Gazette No. 1202 of 30 September 2016 the following message appeared: 'I Mildred Nelisiwe Oliphant, Minister of Labour, hereby in terms of Section 54(2) of the Employment Equity Act, 1998 (Act No 55 of 1998 as amended) and on the advice of the Commission for Employment Equity, publish the Code of Good Practice on the Preparation and Implementation of EE Plan for public comment effective from the date of publication.'

But what exactly is the purpose of the **Employment Equity Act**, No 55 of 1998? According to SAICA, it is 'to achieve **equity** in the workplace by promoting equal opportunity and fair treatment in **employment** through elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in **employment** experienced by designated ...'. The full description and Act can be seen by clicking [here](#).

The draft code of good practice on the preparation and implementation of employment equity plan (comment deadline 30 days from 30 September 2016) proposes, amongst others:

- i) Employment equity outcomes should be part of the performance contract of senior managers responsible for the plan;
- ii) Quarterly employment equity plan consultation meetings;
- iii) The employment equity plan should state all corrective measures to be considered;
- iv) Considering planned vacancies and natural attrition in the numerical goals and targets;



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- v) The CEO should preferably be the last point of call for any internal dispute resolution regarding the interpretation and/or implementation of the employment equity plan;
- vi) That the plan only be reviewed during a major event or restructuring (Note: The meaning of major event or restructuring, and the purpose of limiting the ability to review, is unclear.)
- vii) Consulting employees before submitting an annual report;
- viii) Using employment equity annual reports for monitoring and evaluation, to inform later strategies and plans;
- ix) Employment equity annual reports must reflect the progress made against the employment equity plan; and
- x) Public companies should include their workforce profile in their financial reporting.

Note: Codes of good practice are first and foremost meant for guidance, and do not reflect absolute law. A code of good practice will generally be subservient to an Act. It will be important to consider a code in relation to applicable information and other laws (for example employee with disability wishing to keep the disability private, financial reporting obligations etc.).

Andre Rabe
GEO Chairman



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