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LABOUR NEWS

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EMPLOYMENT EQUITY IN 2026 MORE THAN COMPLIANCE — BUILDING FAIRER, STRONGER & MORE INCLUSIVE WORKPLACES

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WHY SHOULD BUSINESS OWNERS CARE ABOUT EMPLOYMENT EQUITY?

Employment Equity (EE) is often associated with reports, policies, targets, committees and deadlines. But at its core, it is about people, opportunity, fairness and removing barriers in the workplace.

A useful business question is: Are our employees and applicants given fair opportunities to enter, develop, progress and contribute — and can we identify barriers that may prevent this?



THE BIG IDEA

**EE IS NOT ABOUT TAKING
OPPORTUNITIES AWAY.
IT IS ABOUT IDENTIFYING AND
ADDRESSING UNFAIR BARRIERS
AND HISTORICAL DISADVANTAGE
SO THAT SUITABLY QUALIFIED
PEOPLE HAVE FAIR OPPORTUNITIES
TO PARTICIPATE AND PROGRESS**

WHAT EXACTLY IS EMPLOYMENT EQUITY?

Employment Equity is a legislative framework designed to promote equal opportunity and fair treatment, eliminate unfair discrimination and implement affirmative action measures aimed at addressing historical disadvantage and achieving equitable representation of suitably qualified people from designated groups.

IN EVERYDAY LANGUAGE, THINK OF EE AS FIVE QUESTIONS:

- ✓ **GET IN** — Do people have fair access to employment opportunities?
- ✓ **GROW** — Do employees have meaningful development opportunities?
- ✓ **MOVE FORWARD** — Are promotion and progression decisions fair and objective?
- ✓ **BE RECOGNISED** — Are skills and contributions considered fairly?
- ✓ **PARTICIPATE** — Can employees meaningfully contribute to the workplace?



DID YOU KNOW?

The new framework introduced five-year sector numerical targets across 18 economic sectors — making EE planning a longer-term business consideration rather than simply an annual reporting exercise.

EE IN THE WORKPLACE

FROM DESIGNATED GROUPS TO EVERYDAY BUSINESS DECISIONS

WHO ARE THE DESIGNATED GROUPS?

THE EMPLOYMENT EQUITY FRAMEWORK RECOGNISES:

- ✓ BLACK PEOPLE — AFRICAN, COLOURED AND INDIAN PEOPLE WHO ARE SOUTH AFRICAN CITIZENS AS DEFINED BY THE ACT.
- ✓ WOMEN.
- ✓ PERSONS WITH DISABILITIES.

IMPORTANT

DESIGNATED GROUP ≠ AUTOMATIC APPOINTMENT

Employment Equity does not mean that an employer must appoint someone simply because they belong to a designated group. The concept of being suitably qualified remains important.

WHAT DOES “SUITABLY QUALIFIED” MEAN?

BEING SUITABLY QUALIFIED DOES NOT NECESSARILY MEAN THAT A PERSON MUST HAVE EVERY POSSIBLE QUALIFICATION LISTED FOR A POSITION.



RELEVANT FACTORS CAN INCLUDE:

- Formal qualifications
- Prior learning
- Relevant experience
- Capacity to acquire the required ability within a reasonable time

EE is therefore not about appointing people who cannot perform the job. It is about addressing disadvantage and barriers while considering suitability for the position.

AFFIRMATIVE ACTION: WHAT DOES IT ACTUALLY MEAN?

AFFIRMATIVE ACTION REFERS TO MEASURES DESIGNED TO ADDRESS DISADVANTAGES EXPERIENCED BY DESIGNATED GROUPS AND ACHIEVE EQUITABLE REPRESENTATION OF SUITABLY QUALIFIED PEOPLE.

•RECRUITMENT

ARE UNNECESSARY BARRIERS EXCLUDING POTENTIALLY SUITABLE CANDIDATES?

•DEVELOPMENT

ARE EMPLOYEES RECEIVING MEANINGFUL OPPORTUNITIES TO DEVELOP?

•PROMOTION

ARE PROMOTION PRACTICES FAIR AND TRANSPARENT?

•SUCCESSION

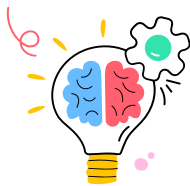
ARE EMPLOYEES BEING PREPARED FOR FUTURE ROLES?

•RETENTION

CAN EMPLOYEES FROM DIFFERENT BACKGROUNDS BUILD CAREERS?

•WORKPLACE PRACTICES

ARE POLICIES OR PRACTICES CREATING BARRIERS?



EE IS NOT ONLY ABOUT RECRUITMENT

EMPLOYMENT EQUITY CAN SHOW UP IN EVERYDAY DECISIONS.



BUSINESS QUESTION

WHAT TO ASK

WHO GETS THE INTERVIEW?

Could unnecessary job requirements exclude potentially suitable candidates?

WHO GETS TRAINING?

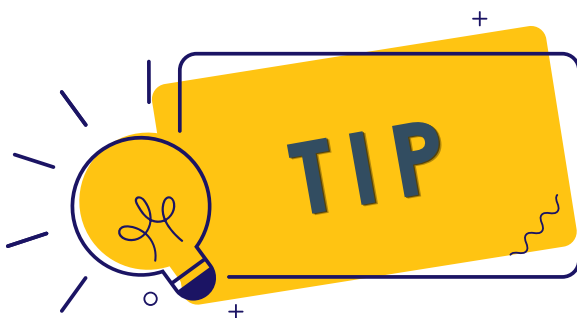
Are development opportunities allocated fairly and based on legitimate business needs?

WHO GETS PROMOTED?

Are promotion decisions objective, transparent and consistently applied?

THE DISABILITY QUESTION

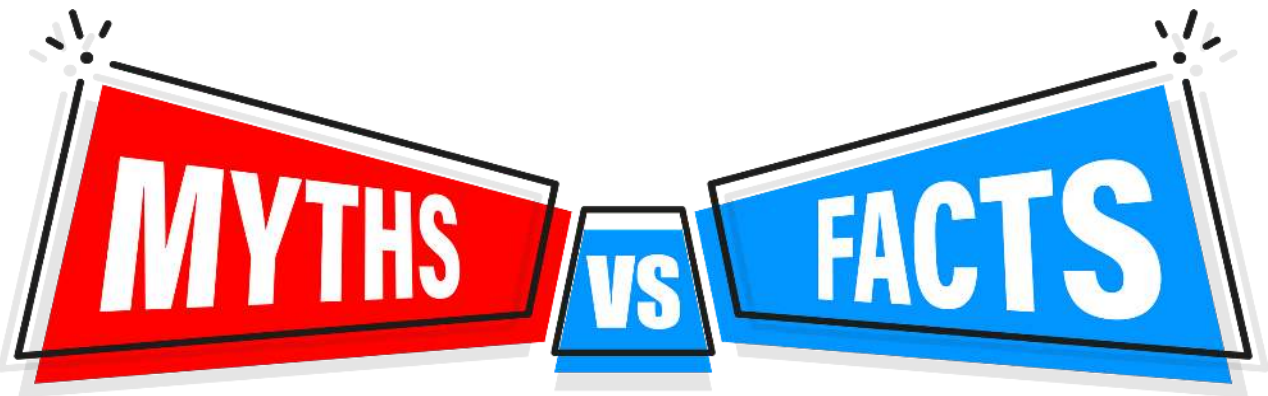
Have reasonable accommodation and continued ability to perform the work been properly considered?



DON'T ASK ONLY: "DO WE EMPLOY PERSONS WITH DISABILITIES?" ALSO ASK: "COULD OUR WORKPLACE BE CREATING BARRIERS FOR PERSONS WITH DISABILITIES?"

MAKE EE PRACTICAL

MYTHS, FACTS & WHAT EMPLOYERS SHOULD BE ASKING



MYTH: "EE means hiring someone because of race or gender."

FACT: EE addresses disadvantage, unfair discrimination and equitable representation of suitably qualified people from designated groups.

MYTH: "Affirmative action means appointing unqualified people."

FACT: Suitability for the position remains important.

MYTH: "EE is only about race."

FACT: The framework also includes women and persons with disabilities.

MYTH: "EE only applies to recruitment."

FACT: It can involve recruitment, development, promotion, retention and workplace practices.

MYTH: "If we have an EE Plan, we are automatically compliant."

FACT: A plan should be implemented, monitored and reviewed.

MYTH: "Small businesses don't have to worry about EE."

FACT: Smaller employers may not have the same Chapter III planning and reporting obligations as designated employers, but the prohibition against unfair discrimination remains relevant.

DID YOU KNOW?

The Employment Equity Amendment Act, 2022 came into operation on 1 January 2025.

New Employment Equity Regulations and sector numerical targets were published on 15 April 2025.

Five-year sector numerical targets apply across 18 economic sectors.

The targets cover representation across the four upper occupational levels and include persons with disabilities.

Employers with 1–49 employees are generally no longer required to comply with Chapter III requirements relating to EE Plans and annual EE reporting — but protections against unfair discrimination remain important.

An Employment Equity Certificate of Compliance can be important for businesses seeking to conduct business with organs of state.



THE EE REALITY CHECK

Instead of asking only “Have we submitted our EE report?”, business owners should also ask:

- ✓ Are we identifying barriers?
- ✓ Are employees getting development opportunities?
- ✓ Are promotion processes fair?
- ✓ Are recruitment practices creating unnecessary barriers?
- ✓ Are we developing future leaders?
- ✓ Are we creating opportunities for persons with disabilities?
- ✓ Are we monitoring progress and able to demonstrate what we are doing?



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