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REPUBLIC OF SOUTH AFRICA



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Basic Guide to Affirmative Action

Affirmative action ensures that qualified people from designated groups have equal opportunities in the workplace.

Application

The Employment Equity Act applies to all employers, workers and job applicants, but not members of the –

- National Defence Force;
- National Intelligence Agency; and
- South African Secret Service.

The provisions for affirmative action apply to –

- employers with 50 or more workers, or whose annual income is more than the amount specified in Schedule 4 of the Act;
- municipalities;
- organs of State;
- employers ordered to comply by a bargaining council agreement;
- any employers who volunteer to comply.

See

- Employment Equity Act

Applies to all employers and workers and protects workers and job seekers from unfair discrimination, and also provides a framework for implementing affirmative action

Affirmative Action Measures

Employers must make sure designated groups (black people, women and people with disabilities) have equal opportunities in the workplace. Designated groups must be equally represented in all job categories and levels.

Based on Legislation in Section 15, of the Employment Equity Act

Why is Affirmative Action Necessary?

Affirmative action makes sure that qualified designated groups (black people, women and people with disabilities) have equal opportunities to get a job. They must also be equally represented in all job categories and levels of the workplace.

Based on legislation in Section 15, of the Employment Equity Act

What Measures Must Employers Take?

Employers must –

- find and remove things that badly affect designated groups;
- support diversity through equal dignity and respect to all people;
- make changes to ensure designated groups have equal chances;
- ensure equal representation of designated groups in all job categories and levels in the workplace; and
- retain and develop designated groups.

Based on Legislation in Section 15 of the Employment Equity Act

Discussing Affirmative Action with Workers

Employers must discuss employment equity issues with their workers. They must include different kinds of workers in the talks.

Based on Legislation in Section 16, of the Employment Equity Act

Who Should Employers Talk To?

When they discuss employment equity, employers must make sure they include workers from:

- all job categories and levels;
- designated groups (black people, women and people with disabilities); and
- workers who are not from designated groups.

Based on legislation in Section 16, of the Employment Equity Act

What Should Employers Discuss With Workers?

Employers must talk to workers or their unions about their employment equity:

- studies;
- plans; and
- reports.

Related Links

- **Basic Guide to Employment Equity Plans**
Under the Employment Equity Act, employers must draw up a plan to address equity imbalances
- **Basic Guide to Employment Equity Reports**
Under the Employment Equity Act, employers must submit reports of their equity figures
- **Basic Guide to Employment Equity Studies**
The Employment Equity Act requires that employers conduct studies to identify equity issues

