

Minister Nxesi to publish regulations on Employment Equity targets

The enactment of the Employment Equity (EE) Act received a shot in the arm when stakeholders were told that Employment and Labour Minister Thulas Nxesi will on Friday, 12 May, publish a notice on regulations on the setting of EE targets.



Image source: Roman Mbitzov – [123RF.com](https://www.123RF.com)

Department of Employment and Labour Chief Director: Collective Bargaining, Thembinkosi Mkalipi, said the Minister has signed the notice and it was all systems go.

Mkalipi was addressing a stakeholder session in Cape Town today on the recently assented Compensation for Occupational Injuries and Diseases (COID) Act and the Employment Equity (EE) Act.

The two pieces of legislation were recently signed into law by President Cyril Ramaphosa.

The amended Employment Equity Act of 1998 empowers the Minister of Employment and Labour to set employment equity targets for economic sectors and prescribe demographic targets for employers with more than 50 employees. For

companies seeking to do business with government they will need a Certificate of Compliance from the department.

Furthermore, the EE requires employers to submit employment equity plans and annual reports on their progress on meeting the targets.

Mkalipi said the key objectives of amendments was to reduce the burden of doing business for small business, however, this has created problems for other vested interests.

He argued that Section 53 in the Act which provides for issuing of Certificate of Compliance has always been in the Act, except it was not promulgated because when the Act was introduced the country was undergoing transformation and “the department did not want to kill the economy”.



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“The opponents of EE Act are saying they are going to Court. We have also been taken to the International Labour Organisation (ILO) and we have responded to the ILO. We are eagerly waiting for a legal challenge. Legal challenges help clarify issues of doubt.

“We are still on schedule to promulgate the EE Act by 1 September 2023 and then we will start with the new reporting period,” Mkalipi said.

The Minister said the department needs to invest on a massive educational programme to educate stakeholders and workers about labour laws. He cautioned, however, that government cannot not be shop stewards on behalf of unions.

Nxesi said dishonesty in regard to compliance with the amended labour laws would not be tolerated and will have serious consequences.

“We cannot have enough inspectors to inspect every workplace,” he said, adding that shop stewards and workers should be vigilant and be the eyes and ears on the ground.

Meanwhile, Compensation Fund Acting Commissioner, Farzana Fakir, said the assented COID Act was on target for implementation into law within the next two months.

Fakir said their road to amending, started way back in 2014. She said the amendments of COID Act seeks to ease access and benefits to workers, improve governance, simplify commissioner’s functions and eliminate bottlenecks; facilitate the rehabilitation and return to work of injured employees.

She said the amendments further seek to improve access and cost to health services and foster improved compliance by the employers.