



## **Affirmative Action**

Affirmative Action in the Workplace in South Africa, What is Affirmative Action in South Africa?, Who Does Affirmative Action Apply To and more on Mywage South Africa

### *What is affirmative action?*

Affirmative action is a way of making the workplace more representative and fair. It makes sure that qualified people from designated groups have equal opportunities in the workplace. In South Africa, these groups are black people (including black, coloured and Indian people), women and people with disabilities. Historically, these groups have been under-represented in many key work areas (and over-represented in others). Affirmative action falls under the Employment Equity Act.

### *What is the aim of affirmative action?*

In South Africa, 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.

### *Practically, how would this reflect in a workplace?*

An employer must create an action plan which makes sure it has the right proportion of designated people – black, coloured, Indian, female and disabled people, working in all levels of the organisation. This includes the very top levels of management. For example, if you have 50 members on your board of directors, then you must aim to have approximately 35 black, five coloured, four Indian and five white directors. Of these, 25 should be female and

two should be disabled. (With thanks to Labourguide for the figures.)

### Where does affirmative action apply?

- Employers with 50 or more workers, or whose annual income is more than the amount specified in Schedule 4 of the Employment Equity Act
- Municipalities
- Organs of State
- Employers ordered to comply by a bargaining council agreement
- Any employers who volunteer to comply.

### What does an employer need to do to comply?

An employer must put in place affirmative action measures for designated groups to achieve employment equity. They must:

- Consult with employees
- Conduct an analysis
- Prepare an employment equity plan
- Report to the Director-General on progress made in the implementation of the plan.

Such measures must also include:

- Identification and removal of barriers with an adverse impact on designated groups
- The promotion of measures which promote diversity
- Making reasonable accommodation for people from designated groups
- Retention, development and training of designated groups (including skills development)
- Preferential treatment and numerical goals to ensure equitable representation. This excludes quotas.

### What else is expected from an employer?

- Employers must submit reports of their equity figures
- Employers must conduct studies to identify equity issues.

It is recommended that employers consult a labour law expert for guidance on how to achieve the above goals.

For more detailed information about the above you can visit the Department of Labour website and find the information [here](#).

*What happens if an employer does not comply with affirmative action?*

Under the Employment Equity Act, the Department of Labour can impose fines and also impose prosecution.

Source: mywage