

Warning against Employment Equity misrepresentation

The Department of Employment and Labour has warned employers against misrepresenting their Employment Equity (EE) status.



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The department's Statutory and Advocacy Services chief director, Advocate Fikiswa Bede, said a number of employers risk being taken to courts over misrepresentation on their employment equity status.

Bede said, in addition to imposing fines, the department will also be taking a number of employers to court and lay criminal charges.

"The Employment Equity Act allows us to go to court. I hope no one wants to have a criminal record. We are now seriously looking at pursuing the criminal route," Bede said.

Bede noted that chief executives of companies are responsible for signing-off the EE plans.

She said the department has been doing its own monitoring and will no longer accept EE reports as the gospel truth.

Just like the chief executives, Bede said EE managers and EE Forum members have a duty to ensure compliance and as such they will also need to be held accountable.

Employment Equity Awards

Bede was speaking during the Employment Equity Dinner and Awards ceremony, held in Braamfontein, Johannesburg, on Thursday night.

The department hosted the EE awards to reward employers complying with the legislation and also aimed to promote compliance with EE legislation.

Employers bestowed with recognition were selected from a sample of 91 employers from various sectors who were judged against their own approved EE plans, and the number was reduced to nine.

She emphasised the department is not interested in getting money from employers but ensuring compliance.

She said the inspectorate would be invoking Section 61, where some of the elements of the section states that “no person may – obstruct or attempt to improperly influence any person who is exercising power or performing a function in terms of this Act; or knowingly give false information in any document or information provided to the Director-General or a labour inspector in terms of this Act.”

Employment and Labour Inspector General, Aggy Moiloa urged employers to comply and not allow themselves to be pushed or force be exerted on them to comply.

“Judging by the annual reports of the Commission for Employment Equity (CEE), the work of the inspectorate is cut out. We have some mileage to cover,” Moiloa said.

Moiloa commended the award recipients, emphasising that workplaces should be centres to harvest talent.

“These are groundbreakers, trendsetters who give us hope that there are institutions that are willing to comply,” Moiloa said.

Winners

- **Ministerial award (performing inspectors):** Albert Mabokela; Lesego Maema; Edward Manana;
- **Ministerial Award Gold:** Clientele Legal; Sherwood Spar; Shoprite Cherkers Pty Ltd;
- **Ministerial Award Silver:** Le Roux; Medicus Shoes; Pine Lake Marina Pty Ltd; and
- **Ministerial Award Bronze:** Braitex Tensilon Pty Ltd; Toscana Herbs and Fresh Produce Pty Ltd.

The category on affirmed employers, who showed progress was awarded to Footgear (Pty) Ltd; Ackermans A Division of Pepkor Trading (Proprietary) Ltd; Sasol Limited and Samsung Electronics South Africa Production (Pty) Ltd.

Other affirmed employers included Gautrain Management Agency; Mediclinic South Africa; Blunden Coach Tours; Rockwell Automation; Machinery Plant Hire cc and Sishen Iron Ore Company Pty Ltd.