

# Employment equity law to be strengthened - Oliphant

The Department of Labour intends introducing proposals to strengthen companies' compliance with the Employment Equity Act, said Minister of Labour Mildred Oliphant.



(Image: GCIS)

The Commission of Employment Equity (CEE) tracks employment equity among employers that employ 150 or more people, which are required to file employment equity reports, and government departments and agencies.

The Commission for Employment Equity's 2011/2012 report, which was released on Tuesday, generally found that employment equity is working, but that transformation continues to take place at a very slow pace.

In particular the report found that government seemed to be progressing very well in achieving a more equitable workplace - but that private sector, particularly in the Western Cape, lagged behind in transforming the workplace.

Oliphant said her department hopes that the new proposals to strengthen the act will speed up transformation workplace.

The department hopes to table the proposals before Parliament this month.

Oliphant pointed out that Nedlac had agreed on nearly 95% on the proposed amendments to the Employment Equity Act, with the only sticking point being penalties proposed for those companies that don't meet equity targets.

The department's chief director on labour relations, Theminkosi Mkalipi, said the amendment proposals did not include any measures to force companies and governments agencies and departments to adopt national demographic representation figures over provincial figures.

Mkalipi said other proposals that would come before Parliament this month, included measures to strengthen the labour

inspectorate and a proposal that cases involving discrimination in the workplace be heard at the Commission for Conciliation, Mediation and Arbitration (CCMA) rather than at the Labour Court as is practice at present.

The department wants companies to train more black people in the workforce, but Mkalipi said not enough black people were being skilled by companies and organisations in the private sector.

"When you look at the skills initiative at senior management and at top management what you find out is that the people that are being skilled, that are going for training in companies in terms of the report, are white males," he said.

## **Blacks up, whites down**

The CEE's latest report reveals that the representation of black people (African, coloured and Indian) in top management in companies and the government had increased slightly - from 28.8% to 30.8% between 2007 and 2011, while that for white people fell by just 2.8% - from 68.2% to 65.4%.

Foreign nationals make up the remainder of top management positions - with their representation having increased from 3.1% to 3.9% over the period.

The increase in coloureds and Indians in top management, from 3.9% to 4.8% and from 6.1% to 7.5% respectively, helped push up black representation in top management.

However, among black people the representation of black Africans in top management fell 0.3% between 2007 and 2011 - from 18.8% to 18.5%, after rising to 20.3% in 2009.

In top management, the government performed the best - with representation of black people (coloured, African and Indian) ranging between 56.1% in the Western Cape to 98.6% in Mpumalanga.

In the private sector black representation in top management ranged between 33.9% in KwaZulu-Natal to 18.1% in the Western Cape - with black Africans enjoying the highest representation in companies in Mpumalanga at 20.7%.

White people continue to dominate the top management of most industry sectors, except for the community, social and personal services sector where black people make up 57.7% of top managers in the sector.

## **Percentage of black skilled in the workplace increases**

Though black people still make up a disproportionally small percentage of top management, the percentage of skilled black people in the workplace has increased dramatically between 2007 and 2011 - from 63.5% in 2007 to 74.7% in 2011.

Most of the increase in the percentage of black skilled workers came from Black Africans who represent 73.6% of the EAP, increased their share from 44.1% to 57% of the workforce.

The representation of coloured people (12.8% to 11.5%) who make up 11% of the EAP and Indians (6.7% to 6.2%) who make up 3.2% of the EAP, dipped slightly.

However, black people make up 87.9% of the economically active population (EAP), meaning they are still significantly underrepresented in skilled positions.

Among provinces, Limpopo companies hire the highest proportion of skilled black Africans, at 75.9% of the workforce.

The Western Cape companies are the least representative among the provinces in terms of race, with 30.1% of skilled positions in the workplace held by white people - who make up less than 20% of the province's population.

In government, the best performing provinces are Gauteng, Limpopo and Mpumalanga in terms of race, however the report points out the need for Limpopo and Mpumalanga to improve their representivity of coloured and Indian males.

## **Western Cape**

The Western Cape, performs the most poorly among provinces - with black people (coloured, Indian and African) making up 79.4% of skilled workers in government.

Among skilled workers the workplace has also become more balanced between men and women in the last four years - as skilled women workers have increased from 37.3% in 2007 to 44.4% in 2011.

However, despite this, just 19.1% of women make up top managers - with white women making up two thirds of these women.

Mpumalanga companies are the least representative in terms of gender - with women making up just 21.4% of the skilled workforce in the province, compared to the Western Cape's 49% representivity of women (of which two thirds are black) in skilled positions.

While the percentage of people with disabilities in the workplace increased from 0.5% in 2007 to 0.8% in 2011, this is still off the target of 2% of people with disabilities (which has moved from 2010 to 2015).

However, people with disabilities enjoy a higher representation in top management - making up 1.9% of this group.

The commission analysed 4370 employment equity reports in 2011, which is substantially more than the 3369 analysed in 2009.

The commission also announced that the Revised Code of Good Practice on HIV and Aids in the workplace had been finalised and would be published next year.

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