CONSTRUCTIONAL ENGINEERING ASSOCIATION
(SOUTH AFRICA)

(INDUSTRIAL RELATIONS SECTION)

TEMPORARY EMPLOYMENT SERVICES DIVISION

LABOUR BRIEF: Minister republishes regulations for EE sector targets

To: TESD

Date: April 2024

LABOUR BRIEF NO. 468

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On 1 February 2024, The Minister of Employment and Labour ("the Minister") republished draft regulations for sector targets affording interested parties a period of 90 days to comment on the proposals (republished regulation). the deadline for submission is 2 May 2024

Context

To recap, on 14 April 2023, President Cyril Ramaphosa signed the Employment Equity Amendment Act 4 of 2022 into law, amending the Employment Equity Act of 1998. The amendments empower the Minister to identify and set employment equity numerical targets for each national economic sector.

On Friday, 12 May 2023, the Minister published the draft five-year sectoral numerical targets for the identified national economic sectors allowing interested parties 30 days to comment. The draft attracted substantial comments which contributed to the republished regulation.

Republished Regulation

On 1 February 2024, The Minister published a second draft regulation on the sectoral numerical targets. On the face of it, the republished regulation furnishes more detailed guiding notes on how to interpret and apply the sectoral numerical targets. More importantly, the distinction between provincial and national targets has been removed with the republished targets reflecting a single target for each economic sector differentiated on the basis of gender only. Furthermore, the republished regulation has removed the distinction between designated

racial groups (African, Coloured, and Indian). The target simply relates to "designated groups" which is defined in the EEA as black people (Africans, Coloured, and Indians), women and people with disabilities who are citizens of South Africa by birth or descent. Alternatively, black people who became citizens of South Africa by naturalisation before 27 April 1994 or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by apartheid policies.

The republished regulation continues to focus on top and senior management as well as professionally qualified and skilled levels and people with disabilities. There are no targets for the semi-skilled and unskilled levels. However, designated employers are required to take into account the economically active population demographics in respect of these levels.

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K. Cowley
(Chairperson – (CEA – LBD)