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Employment Equity Amendment Act 2025 Compliance Checklist

Prepared by RK Corporate Consulting (RKCC) | 24 July 2025

The [Employment Equity Amendment Act 4 of 2022](#), effective from **1 September 2025**, places increased obligations on **designated employers**. It introduces **sector-specific targets**, stricter enforcement mechanisms, and penalties for misrepresentation. This checklist is designed to help you remain fully compliant with your legal obligations while building an inclusive and competitive workforce aligned with South Africa's transformation goals.

1. Determine Designated Employer Status

- ☐ Assess whether your business meets the revised threshold (50 or more employees or falls within a listed sector).
- ☐ Verify voluntary registration status if previously self-identified as designated.
- ☐ Consider whether your B-BBEE strategy or tendering activity justifies compliance even below the threshold.

Legal Framework:

Employment Equity Act, Section 1: defines “designated employer” as one that meets threshold criteria or voluntarily complies.

✗ Risk: Incorrect classification can lead to compliance orders or disqualification from government tenders.



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2. Appoint a Senior Manager Responsible for Employment Equity

- ☐ Formally assign responsibility to a senior manager with decision-making authority.
- ☐ Ensure they are accountable for oversight, implementation, and reporting.

Legal Framework:

Employment Equity Act, Section 24: designated employers must assign and empower a responsible manager.

✗ Risk: Failing to designate a competent individual weakens accountability and increases exposure during inspections.

3. Conduct a Workforce Profile Analysis

- ☐ Capture current employee demographics by race, gender, disability, and occupational level.
- ☐ Benchmark representation against your sector targets, if applicable.
- ☐ Identify under-representation in key categories.

Legal Framework:

[Employment Equity Regulations, 2023](#): require demographic comparison per occupational level.

✗ Risk: Inaccurate profiling undermines the validity of your Employment Equity Plan and reports.



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4. Prepare or Update Your Employment Equity Plan

- ☐ Develop a formal, multi-year plan with goals, objectives, and timelines.
- ☐ Include strategies to address under-representation and barriers.
- ☐ Specify internal monitoring and review mechanisms.

Legal Framework:

Employment Equity Act, Section 20(1): designated employers must prepare and implement EE plans.

✗ Risk: Outdated or generic plans are non-compliant and cannot justify reporting discrepancies.

5. Facilitate Consultation with Employees or Forums

- ☐ Engage meaningfully with employee representatives or consultative forums.
- ☐ Document all discussions and ensure feedback is reflected in the plan.
- ☐ Ensure representation across race, gender, and occupational levels.

Legal Framework:

Employment Equity Act, Section 16–19: mandates consultation prior to plan adoption.

✗ Risk: Lack of consultation invalidates the plan and could lead to enforcement notices.

6. Identify and Eliminate Barriers to Equity

- ☐ Conduct an objective analysis of recruitment, promotion, training, and HR policies.
 - ☐ Eliminate practices that indirectly disadvantage designated groups.
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- ☐ Implement targeted affirmative action measures.

Legal Framework:

Employment Equity Act, Section 15(2): defines required affirmative measures to redress disadvantages.

✗ Risk: Passive compliance fails transformation tests and leaves systemic discrimination unaddressed.

7. Submit Annual EE Reports (EEA2 & EEA4)

- ☐ File reports electronically by 15 January (or 1 October for public service).
- ☐ Disclose income disparities and explain variances.
- ☐ Ensure all data is accurate and aligned with the EE Plan.

Legal Framework:

Employment Equity Act, Section 21: outlines reporting duties.

✗ Risk: Inaccurate or late reports result in fines and reputational risk.

8. Comply with Sector Targets or Justify Deviation

- ☐ Ensure goals in your EE Plan are aligned with targets set by the Minister of Employment and Labour.
 - ☐ Prepare a formal explanation if unable to meet targets, supported by documentary evidence.
 - ☐ Maintain audit trails of all reasonable steps taken.
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Legal Framework:

Employment Equity Act, Section 15A: empowers the Minister to set numerical goals by sector.

✗ Risk: Failure to meet or justify non-compliance disqualifies the employer from receiving EE Compliance Certificates.

9. Do Not Misrepresent EE Compliance

☐ Verify accuracy before submitting reports or applying for EE Certificates.

☐ Avoid any false declarations in B-BBEE or procurement contexts.

Legal Framework:

Employment Equity Act, Section 53(6): makes false reporting or misrepresentation a criminal offence.

✗ Risk: Offences are punishable by fines, prosecution, and suspension from state contracting.

Why Employment Equity Compliance Matters

Non-compliance can result in fines of up to **R1.5 million**, reputational damage, and exclusion from public and private supply chains. More importantly, a failure to transform your workforce risks internal resistance, loss of market relevance, and stakeholder distrust.

Avoid last-minute scrambling and corrective enforcement. Start building a strategy that is **defensible, practical, and future-focused**.



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How RKCC Supports You

- B-BBEE and EE alignment consulting
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Navigating Employment Equity with Confidence

Is your business ready for compliance inspections? Can you prove progress toward transformation? Do you have the right documentation in place?

RKCC supports designated employers with **practical guidance and full-service implementation**, ensuring compliance while you stay focused on growth.

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Navigating compliance with confidence, we handle the red tape so you can focus on growth.
