



**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**  
**EMPLOYMENT EQUITY COMMITTEE**  
**TERMS OF REFERENCE (ToR)**

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## TABLE OF CONTENTS

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CONTENT	PAGE
1. Preamble	3
2. Purpose Statement	3
3. Employment Equity and Diversity Agenda	3
4. Mandate	4
5. Composition	4
5.1. Members	4
5.2. Nominations/ Co-option	5
6. Roles and Responsibilities:	5
6.1 Chairperson/Deputy Chairperson	5
6.2 EE manager	5
6.3. Committee Members	6
6.4 Secretary	7
7. Meetings	7
8. Term of office	7
9. Code and Conduct for Members	7
10. Monitoring & Evaluation	8
11. Reporting	8
12. Requirements and Timeframes	9
13. Quorum and Attendance at Meetings	9
14. Dissolution	9
15. Amendments to the Terms of Reference	9
16. Approval of Terms of Reference	10

## **1. PREAMBLE**

The Department of Higher Education and Training (DHET) is tasked with the responsibility to administer and manage post-school education and training in South Africa, recognise the need to entrench Employment Equity and diversity in the workplace and to comply with all requirements of the Employment Equity Act 55 of 1998, as amended. The Department as a designated employer is required to fully comply with sections 16, 17, 19, 20, 21 and 27 of the Act.

The Department is committed to achieving equity in the workplace by promoting equal opportunity and fair treatment in employment practices. With the development and implementation of the Employment Equity (EE) Plan, the Department aims to eliminate all unfair discrimination and implement affirmative action measures to redress the disadvantages.

## **2. PURPOSE STATEMENT**

The Department recognises that inequalities in racial, gender, non-inclusion of persons with disability and ability composition in the past and have created barriers to full and equal participation of the majority of the population in economic life, both outside and within the Department. Therefore:

- 2.1. The Department shall by consensus, seek to redress this, predictable and fair decision-making related to employment equity and diversity in line with strategic imperatives of the Department;
- 2.2. The department is also committed to an accessible and transformed workplace; therefore by adoption of measures/ initiatives aimed at attracting and retaining a diverse workforce.

## **3. EMPLOYMENT EQUITY AND DIVERSITY AGENDA**

The Committee will play a strategic role in the employment equity and diversity initiatives in the department and shall be consulted in respect of employment equity (legislative compliance), skills development (legislative compliance), leadership transformation (talent management, succession planning, promotion, recruitment and mentoring and coaching), monitoring and evaluation of the implementation of the EE Plan.

## **4. MANDATE**

The forum derives its mandate from the Employment Equity Act, Act No. 55 of 1998, Employment Equity Regulations and Code of Good Practice: Preparation, Implementation, and Monitoring of Employment Equity Plans.

A consultative forum is established to represent employees in respect of any matters pertaining to the preparation, development, monitoring and reporting on the implementation of employment equity plan.

## **5. COMPOSITION OF THE EE COMMITTEE**

### **5.1. MEMBERS**

The establishment of the EE Committee is the responsibility of the Deputy Director-General: Corporate Services for Head Office, Regional Managers for their respective regions and principals for TVET/CET colleges.

The Committee for Head office shall consist of minimum nineteen (19) members and be represented as follows; six occupational levels, race, gender, persons with disability and one representative from recognized trade union as recommended by the Department of Employment and Labour:

- 5.1.1 Employment Equity Committee Chairperson (Salary level 15-16) representative;
- 5.1.2 Employment Equity Committee Deputy Chairperson (Salary level 15-16) representative;
- 5.1.3 Employment Equity Committee Manager (Salary level 13-14) representative;
- 5.1.4 Senior management (Salary level 13-14) representative;
- 5.1.5 Middle management/professionally qualified (Salary level 11-12) representative;
- 5.1.6 Junior management/skilled technical (Salary level 8-10) representative;
- 5.1.7 Semi-skilled (Salary level 5-7) representative;
- 5.1.8 Unskilled (Salary level 1-4) representative;
- 5.1.9 African Female representative;
- 5.1.10 African Male representative;
- 5.1.11 Coloured Female representative;
- 5.1.12 Coloured Male representative;
- 5.1.13 Indian Female representative;
- 5.1.14 Indian Male representative;
- 5.1.15 White Female representative;
- 5.1.16 White Male representative;
- 5.1.17 Persons with disability representative;
- 5.1.18 One representative from recognized trade union

The committee for the Region shall consist of chairperson and deputy chairperson of each TVET and CET colleges. The committee for the TVET/CET colleges should consist or be represented as follows; six occupational levels, race, gender, persons with disability and one representative from recognized trade union.

## **5.2 NOMINATION/CO-OPTION**

- 5.2.1. Members of the senior management and trade unions are co-opted.
- 5.2.2. Members other than the one above are nominated by their Branch Heads.
- 5.2.3. Only permanent or staff with fixed contract of more than 3 years will be allowed to stand for the elections.
- 5.2.4. If a representative cease to be the representative of the respective branch, by the branch which he/she represents, or ceases to be an employee of the department, the employee shall cease to be a member of this EE Committee.
- 5.2.5. In such instances, the respective branch shall nominate an alternative representative in the same manner in which the first representatives were nominated.

## **6 ROLES AND RESPONSIBILITIES**

### **6.1. CHAIRPERSON/DEPUTY CHAIRPERSON**

The Deputy Director-General shall be the Chairperson or Deputy Chairperson of the committee with the following roles and responsibilities:

- 6.1.1 Facilitate the setting up of meetings;
- 6.1.2. Oversee the development of Department's Employment Equity Plan and monitoring;
- 6.1.3. Monitor progress with regards to employment equity methodology (report, feedback, updating and trends) and outcomes;
- 6.1.4. Oversee the development of the Employment Equity Committee constitution;
- 6.1.5. Oversee the development of the diversity management programmes and monitoring thereof;
- 6.1.6. Oversee the development of the Gender Equity Strategic Framework Implementation Plan and monitoring thereof; and
- 6.1.7. Oversee the development of the Job Access Strategic Framework Implementation Plan and monitoring thereof
- 6.1.8 Ensure that meetings start and finish on time and that the EE Committee remains action and solution orientated.

### **6.2. EE MANAGER**

The Chief Director: Human Resource Management and Development shall be the manager of the EE committee with the following roles and responsibilities:

- 6.2.1 Manage the preparing of the EE Plan;

- 6.2.2. Monitor and implement the Employment Equity Plan;
- 6.2.3. Develop the Employment Equity Forum's constitution;
- 6.2.4. Develop the diversity management programmes and monitoring thereof;
- 6.2.5. Develop the Gender Equity Strategic Framework Implementation Plan and monitoring thereof;
- 6.2.6. Develop the Job Access Strategic Framework Implementation Plan and monitoring thereof;
- 6.2.7. Arrange Employment Equity Committee related training, workshop and activities.

### **6.3 COMMITTEE MEMBERS**

The roles and responsibilities of the EE committee members are as follows:

- 6.3.1. Participate in the preparation of the development of Department's EE Plan;
- 6.3.2. Participate in the development of the Employment Equity Forum's constitution;
- 6.3.3. Participate in the development of the Gender Equity Strategic Framework Implementation Plan and monitoring thereof;
- 6.3.4. Participate in the development of the Job Access Strategic Framework Implementation Plan and monitoring thereof;
- 6.3.5. Participate in the development and activities of diversity management programmes and monitoring thereof;
- 6.3.6. Represent respective constituencies in respect of the broad matters which can be identified;
- 6.3.7. Report back to constituencies on the progress made with matters discussed at the employment equity committee meetings;
- 6.3.8. Monitor and discussing the actual implementation of the DHET EE Plans. If any issues or concerns in relation to the implementation of the EE Plan are raised, these should be addressed during meetings. If necessary, these concerns or issues shall be addressed and/or escalated through the appropriate channels.
- 6.3.10. Stay up to date on any internal employment equity and diversity related development.
- 6.3.11. Ensure that the Departmental branches are performing all responsibilities, tasks, duties, investigations and surveys assigned to them, always acting in good faith and in the interest of DHET to ensure the implementation of the EE plan.
- 6.3.12. The time spent on carrying out duties associated with membership on the Employment Equity Committee will be incorporated in each members' performance agreement.

### **6.4. SECRETARY**

The roles and responsibilities of the secretary are as follows:

- 6.4.1. Organize meetings;

- 6.4.2. Provide administrative and logistical support to the committee;
- 6.4.3. Serve as a scribe of the meetings; and
- 6.4.4. Keep records of all meetings.

## **7. MEETINGS**

All work conducted by the EE Committee shall take place during normal working hours and representatives shall attend all the Committee activities.

Meetings will be scheduled as follows:

- 7.1. The committee shall meet on a quarterly basis;
- 7.2. Venue, dates and times will be convened by the secretariat;
- 7.3. A schedule of the meetings for the year will be provided by the secretariat;
- 7.4. If either the member or proxy is unable to attend, an apology should be communicated in writing (e-mail) to the secretariat at least 5 working days prior to the meeting; and
- 7.5. Minutes of meetings will be made available to the members within 10 working days after each meeting.

## **8. TERM OF OFFICE**

The term of office shall be as follows:

- 8.1 The Employment Equity Committee representatives will serve for a period of three (3) years, thereafter new members of this committee shall be elected.
- 8.2 To ensure continuity, a maximum of 50% current representatives may be re- elected to serve another term in office.

## **9. CODE AND CONDUCT FOR MEMBERS**

The forum members commit to conduct themselves in the following manner:

- 9.1. To work together in attaining the purpose of the forum;
- 9.2. To consult in a bona fide manner;
- 9.3. To attend all meetings unless prior arrangements have been made;
- 9.4. To abide by the provisions of this ToR at all times;
- 9.5. To follow and accept the outcome of the dispute resolution procedures;
- 9.6. To uphold the values and interests of the Department;
- 9.7. To attend all relevant training and development sessions;
- 9.8. To provide timeous feedback to stakeholders and constituencies on discussions and outcomes of consultations;
- 9.9. To fully represent their constituencies.

- 9.10. To act at all times as a professional Employment Equity Committee member and treat information or issues as confidential as per the request of the EE Committee until such a time it is appropriate to share with all employees

## **10. MONITORING AND EVALUATION**

The EE Committee is also responsible for monitoring and evaluating of the EE and Diversity strategies and initiatives within the department. Such strategies and initiatives shall include, but not limited to the following:

- Recruitment, selection, placement and promotions
- Training and development of members of the designated groups
- Mentorship programmes
- Bursaries, scholarships and internships
- Retention of people from designated groups
- Diversity management initiatives
- Reasonable accommodation for persons with disabilities
- Dispute surrounding EE related issues
- EE related grievances
- EE related communication to all staff
- Special EE related projects
- Identification of barriers on other policies, processes and practices and working environment
- Amendments to existing EE plans and reports

## **11. REPORTING**

The Committee shall report to the Deputy Director-General: Corporate Services and submit the EE Plan to the Department of Employment and Labour (DOEL) through the Director-General.

## **12. REQUIREMENTS AND TIMEFRAME**

- 12.1. The department is required to develop a three/five years EE Plan and submit EE Report to DOEL by 1 October to 15 January every year; and
- 12.2. Timeframes should consider internal consultation processes that should be fulfilled as part of the approval process.



### **13. QUORUM AND ATTENDANCE AT MEETINGS**

- 13.1. In order to ensure that the plans, reports and forms are timeously and effectively managed, the attendance of 12 members will constitute a quorum;
- 13.2. Representatives who cannot attend the meetings for the legitimate reasons shall submit a written apology to the Secretariat before the date of the meeting;
- 13.3. Failure to attend or send a designated person with delegated sign-off authority will negate that person's input on the items on the agenda for that day. Decisions taken will not be reversible unless reconsidered by the agreement of the group; and
- 13.4. Failure to attend two consecutive meetings without an apology, the Chairperson must write a letter requesting the member to furnish reasons for non-attendance.

### **14. AMENDMENTS TO THE TERMS OF REFERENCE**

This terms of reference shall only be amended by a properly constituted Employment Equity Committee when it is necessary to amend or vary.

### **15. APPROVAL OF TERMS OF REFERENCE**

The Terms of Reference have been reviewed by the committee/forum members on the..... day of ..... 2022

**Dr Nkosinathi Sishi**

**Director-General: Higher Education and Training**

**Date:**