

UNIVERSITY OF THE  
FREE STATE  
UNIVERSITEIT VAN DIE  
VRYSTAAT  
YUNIVESITHI YA  
FREISTATA



UFS  
UV

## **EMPLOYMENT EQUITY POLICY**

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## **1. PREAMBLE**

- 1.1 The employment equity policy of the UFS respects, and is founded on, the UFS's vision and commitment to quality and equity, its mission as a university and an academic institution; its values; its socio-political, cultural and geographical environment; its Statute and its legislative environment, as stipulated in the sections that follow.
- 1.2 The employment equity policy acknowledges and takes into account the constitutional, legislative and education policy framework within which the UFS functions.
  - 1.2.1 Recognising the profound legal and policy changes affecting higher education, the University understands the need to adapt its employment practices and policies to conform with the provisions of the Constitution of the Republic of South Africa, the Employment Equity Act (55 of 1998), the Skills Development Act (97 of 1998), the Basic Conditions of Employment Act (3 of 1983), the Higher Education Act (101 of 1997), the Labour Relations Act (66 of 1997) and other relevant legislation; and to contribute to the realisation of the objectives of the national and provincial human resources development strategy of South Africa.
  - 1.2.2 The employment equity policy of the UFS particularly acknowledges and respects the stipulations and intentions of the Constitution that pertain to diversity, including language diversity, as well as relevant higher education and other legislation.
  - 1.2.3 In terms of the nature and basis of the University, as articulated in its 1999 Statute, the University also acknowledges its multicultural composition and respects the rights of any person not to be subjected to discrimination (on the basis of any of the listed or unlisted grounds in terms of section 9 of the Constitution).
- 1.3 The employment equity policy of the UFS respects and must be implemented with due recognition of the intrinsic nature of a university as a place of scientific practice and scholarship, establishing and requiring a specific context for employment and diversity.
  - 1.3.1 Appropriate professional and job-related proficiency is therefore an integral part of various university activities such as teaching, learning, community service learning, intellectual development, research, scientific analysis, academic discourse in the diversity of disciplinary communities, professional preparation and training, external liaison, as well as academic and administrative management.
  - 1.3.2 The various university activities require a variety of appropriate ways of managing employment practices, skills requirements (general as well as advanced/analytical) and skills development.
  - 1.3.3 To be a good university requires that the requisite workplace skills of staff should be supported, developed and promoted continuously as an integral part of a university's activities, within the framework of financial sustainability.
- 1.4 The employment equity policy of the UFS acknowledges that intrinsically and in terms of its Statute and composition, the University is a multilingual and multicultural institution, within a multilingual and multicultural country, region and province.
  - 1.4.1 Employment equity is pursued and promoted within the larger context of a commitment to a non-racial, non-sexist, multicultural and multilingual institution.

- 1.4.2 This implies that employment policy is a key element in recognising, appreciating, managing and harmonising diversity in a balanced way.
- 1.5 The employment equity policy respects the UFS's values of academic freedom and autonomy, equity, integrity, excellence and a service orientation.
- 1.6 The employment equity policy of the UFS must be understood and implemented in conjunction and in balance with other policy objectives and policy documents of the UFS, in particular those that pertain to diversity and language.
- 1.7 The points of departure, principles and values referred to above, and the objectives below, must guide all interpretations, applications, and extensions of this Policy.
- 1.8 If deemed desirable, an employment equity manual with more specific guidelines and arrangements may be developed and made available.
- 1.9 The employment equity policy recognises the historical context of the UFS's employment practices.
- 1.9.1 Conscious of South Africa's legacy of discrimination, which has contributed to black people, women and people with disabilities not being able to obtain equal access to employment opportunities, the University is committed to developing and implementing a programme of employment equity that will adequately address the effects of past employment related discrimination in a fair and balanced way.
- 1.9.2 The current employment policy of the UFS emanates from the institution's accepting various policies and practices to promote diversity in the workplace in the last 15 years, and notably since 1994. This was preceded, from the establishment of this institution in 1904, by various phases of employment practices.
- 1.9.3 In developing its employment policies after 1994, significant modifications have been made to employment practices in the administrative and academic spheres of the University, while significant financial resources have been spent on improving employment equity and staff development.
- 1.9.4 The UFS has already made visible progress with transforming its staff composition following a significant change in the composition of its student body (which followed the introduction of a parallel-medium language teaching model since 1993 that was followed by the adoption, in 2003, of a new language policy designed to deal with diversity in ways that display harmony and balance).
- 1.9.5 However, given the historical context and numerous constraints on the rate of the phasing-in process, existing employment profiles and staff diversity are not satisfactory yet.

1.9.6 This historical situation, but especially the UFS's commitment to equity and diversity, requires that the institution further develop and refine its employment equity policy and practices in line with the various contexts that have been outlined above, and that are further specified below.

1.10 The University therefore, through its employment equity policy, commits itself to:

1.10.1 be an equitable educational institution that offers a nurturing and challenging workplace and employment climate, respectful of human diversity and the human dignity of all, irrespective of race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV/AIDS status, conscience, belief, political opinion, culture, language, and birth;

1.10.2 eliminate all forms of unfair discrimination and to take corrective action, in the form of positive steps to remedy inequitable under-representation of designated groups and the lack of diversity in the composition of its staff, to equitably remedy the legacy of past discriminatory practices and policies;

1.10.3 strive to promote and maintain an environment that empowers all its staff and students to achieve their highest potential without fear of prejudice or bias.

## **2. PURPOSE OF THE POLICY**

2.1 The purpose of this Policy is to provide the guiding principles, the institutional framework and basic strategies for the development and implementation of the University's employment equity programme.

## **3. APPLICATION**

3.1 This Policy applies to all permanent and non-permanent employees and appointees of the University. Where applicable, "employee" shall include job applicants.

## **4. GUIDING PRINCIPLES**

In order to realise the objective of creating an equitable work environment for all its staff members, this Policy must be interpreted and implemented in accordance with the following principles:

### **4.1 Fairness**

4.1.1 The duty to ensure the equitable representation of designated groups in all employment categories and levels must be fulfilled in a fair and equitable manner, by taking into account and balancing all relevant interests and considerations, which include the employment interests and legitimate aspirations of non-designated groups, the University's commitment to academic excellence, and the need for managerial and administrative efficiency.

4.1.2 The implementation of this principle implies, *inter alia*, that special weight must at all times be accorded to the legal duty to redress employment-related injustice suffered by members of designated groups, as well as the need to progressively address their under-representation in all employment categories and levels, but the University shall not take any decision concerning an employment policy or practice that will establish unnecessary and unfair barriers to the prospective or continued employment or advancement of people who are not from designated groups.

#### **4.2 A culture of respect for human dignity, sensitivity and a sense of belonging**

4.2.1 The equity policy must be implemented to promote a culture of respect for the dignity of all staff members, irrespective of different backgrounds and traditions, and to create an overall sense of belonging.

#### **4.3 Non-marginalisation**

4.3.1 Opportunity for the contribution for all must be enhanced. No staff member must be treated in a way that will sideline and marginalise him or her.

#### **4.4 Empowerment**

4.4.1 Barriers to the full utilisation of the potential of all appointees must be removed.

#### **4.5 Avoidance of tokenism**

4.5.1 The Policy must be implemented with a view to fully integrate all appointees into the University's structures, with real responsibilities and real accountability vesting in such appointees.

#### **4.6 Transparency**

4.6.1 All employment equity measures and decisions must be taken in a transparent manner, which includes the duty to justify such measures or decisions by providing adequate reasons to interested parties.

#### **4.7 Accountability**

4.7.1 Final accountability for the successful implementation of this Policy lies with the Rectorate. All deans, heads of departments and support staff line managers are responsible for the actual implementation of this Policy and their commitment to its implementation will form part of their performance appraisal areas.

#### **4.8 Consistency**

4.8.1 The employment equity programme and plan must be implemented in balance with other policies of the UFS, including those that pertain to diversity.

## **4.9 Communication and consultation**

4.9.1 In line with its commitment to transparency, the University must ensure that all policies, plans, programmes and procedures relating to employment equity are developed on a consultative basis with all stakeholders. All interested parties must be afforded a reasonable opportunity to participate in decision-making.

## **4.10 Resources**

4.10.1 The University shall ensure that adequate financial and other relevant resources are made available to ensure the support and realisation of this Policy, subject to the norm of affordability and financial sustainability.

## **5. IMPLEMENTATION STRUCTURES**

### **5.1 Human Resources Department (HRD)**

5.1.1 The Human Resources Department (HRD) shall have primary responsibility for the implementation and monitoring of this Policy. In order to perform this function effectively, the Human Resources Department (HRD) must be afforded assistance by all line managers of the University.

5.1.2 The HRD shall be responsible for ensuring the implementation, creating awareness and compliance with this Policy throughout the University, within the context of a broader human resources strategy. The HRD shall establish appropriate organisation structures, compliance procedures and monitoring mechanisms, including the regular collation of information, workforce data and analysis, the conducting of equity audits regarding any aspects of employment at the University and reporting of findings to the Executive Management at least on an annual basis. The HRD shall regularly publish information regarding progress made in respect of employment equity on the website of the University.

### **5.2 Employment Equity Committee of the UFS**

5.2.1 The Employment Equity Committee shall be responsible for the monitoring of the implementation of employment equity and the adoption of appropriate initiatives, policies and procedures on a consultative basis. The Employment Equity Committee shall make recommendations to the relevant university bodies on procedures for the effective implementation of this Policy.

### **5.3 Faculty and support services equity committees**

5.3.1 The University shall ensure that a faculty equity committee for each faculty and support services equity committees for the support services are established. Faculty equity committees shall report to the relevant dean and the support services equity committees shall report to the relevant line manager.

5.3.2 The faculty equity committee and the support services equity committees shall provide regular feedback to the Employment Equity Committee and Human Resources Department (HRD). Faculty equity committees and the support services equity committees shall be responsible to develop operational plans for employment

equity at faculty and support service level on an integrated basis and monitor and review faculty and support service plans on a continuous basis.

#### **5.4 Faculties and support service departments**

5.4.1 Faculties and support service departments are responsible for ensuring that the provisions of this Policy are communicated to staff and applied within their respective areas of responsibility.

5.4.2 Deans and the line managers must provide consolidated reports to the University Management Committee and the Human Resources Department (HRD) on an annual basis regarding the faculties' and support services' progress with regard to implementing employment equity.

### **6. IMPLEMENTATION STRATEGIES AND PROCEDURES**

#### **6.1 Faculty and support services equity plans**

6.1.1 Each faculty at the University, through its faculty equity committee, and support services, through the relevant support services equity committee, shall respectively develop a faculty equity plan and support service equity plan, which shall include the following:

- i. The workforce composition in the relevant faculty/support service.
- ii. Equity objectives to be achieved within the faculty/support services.
- iii. Numerical goals to be achieved within each occupational level and category within the faculty/support services for each year of the plan.
- iv. Identification of barriers to achieving employment equity and remedial measures to remove those barriers.
- v. Implementation timeframes within which objectives and goals can reasonably be achieved.
- vi. Monitoring and communication procedures that will be implemented on faculty/support services level to achieve objectives and goals and provide progress reporting and feedback.

6.1.2 The Human Resources Department (HRD) shall provide guidelines and reporting checklists to faculties and the support services to ensure standardisation and understanding of expected requirements by faculties/support services. The faculty equity committees and support services equity committees shall annually update the faculty equity plans and the support services equity plans by July of each year. Deans [and the same person as identified in 5.4] must ensure that updates and amendments to the faculty and support services equity plans are effected immediately without delay and that the availability of the updated equity plans are communicated to all staff.



## **6.2 Employment Equity Plan**

6.2.1 The University shall compile an employment equity plan which shall form the overarching plan for the University, and shall be a consolidation of:

- i. individual faculty equity plans and the support services equity plans;
- ii. the University-wide policy audit;
- iii. affirmative action and other measures to overcome barriers and ensure advancement of designated groups,
- iv. timeframes;
- v. budget allocation to employment equity;
- vi. numerical goals;
- vii. implementation framework.

## **6.3 Policy audit**

6.3.1 The Employment Equity Committee, in collaboration with the Human Resources Department (HRD), shall regularly conduct a policy audit to review all policies, practices and procedures at the University and ensure the development of new policy and the amendment of existing policy to ensure compliance with all law, regulations and best practices relating to employment, employment equity and the employment environment.

## **6.4 Recruitment**

6.4.1 In order to ensure that the University achieves its goals as set out in its Employment Equity Plan, it must ensure that the following minimum conditions are met in relation to any recruitment activity conducted by the University:

- i. All recruitment must take place in accordance with the approved University Policy on Employment and Procedures (Internal and External Appointments in Vacancies).
- ii. Recruitment strategies to identify and encourage responses from designated persons must be implemented.
- iii. Specific guidelines must be provided to personnel recruitment agencies when utilised by the University to inform such agencies regarding University employment equity requirements.
- iv. All recruitment advertisements or communications must indicate the commitment of the University to employment equity and diversity.
- v. Guidelines and training must be provided regarding the implementation of employment equity in recruitment to all selection panels involved in recruitment.

- vi. All responsible persons and selection committees must demonstrate that a reasonable effort was made to recruit suitably qualified members of the designated groups.

## **6.5 Appointments**

6.5.1 The University management must ensure that the following minimum conditions are met in relation to any selection for appointment:

- i. Selection committees must, as far as is practicable, be broadly representative. The convener of the selection panel must report to the relevant department or management body regarding the efforts that were made to constitute a representative panel.
- ii. Selection committees must be aware of and give due consideration to the employment equity targets applicable to a specific vacancy;
- iii. Selection committees must motivate all recommendations for appointment in writing. In the case of a recommendation for appointment where the recommended candidate is not from a designated group, selection committees must specifically motivate why no member of a designated group could be appointed. Such written reasons and special motivation must be sent to the HRD (Equity Office), as well as, in the case of appointments above the post level of lecturer/assistant director, to the University Management Committee;
- iv. Minimum competencies for all posts must be defined, and when making appointments, consideration must be afforded as to whether candidates from designated groups are 'suitably qualified persons' as specified in the Employment Equity Act (55 of 1998), within the context of clause 1.3 above;
- v. Training and guidance must be provided to selection committees regarding the making of appointments, the conducting of the evaluation process and the impact of employment equity;
- vi. Best practices for evaluation must be developed for guidance to selection committees.

## **6.6 Promotions**

The University management must ensure that appropriate guidance is provided to all personnel involved in the evaluation and making of promotions to ensure that the provisions of the Employment Equity Plan is complied with in all aspects of promotions. This requires the University to ensure that:

- i. promotion committees involved in the evaluation and approval of promotions are, as far as is practicable, broadly representative.
- ii. promotions into vacancies that appear on the staff establishment cannot be done from internal staff only in a situation where the designated groups should be underrepresented amongst those qualifying for that position. Such

a position must be advertised externally in order to enlarge the pool of applicants. This does not apply to ad personam rank promotions or positions specifically created, in the context of 'grow your own timber' programmes or similar strategies, for the career advancement of persons from designated groups.

- iii. promotion shall be based on an objective performance evaluation system. The system of performance evaluation must be reviewed to ensure that it meets the objectives of employment equity, as set out in this Policy and the Employment Equity Plan. Performance evaluation should highlight further development needs.
- iv. guidelines are provided for the implementation of career pathing and advancement of designated groups;
- v. Barriers to the promotion of designated groups are removed.

### **6.7 Staff development and enhancement**

In order to create a supportive and enabling environment which will empower appointed persons and enhance their job performance, the University will take reasonable steps to :

- i. establish induction programmes for all staff appointed/promoted/transferred to a new position or post within the University;
- ii. provide mentoring and development programmes for staff from designated groups;
- iii. establish internal and competency-based in-service training and learnerships;
- iv. provide training, retraining and progression programmes;
- v. develop guidelines for the reasonable accommodation with regard to work arrangements of employees studying for relevant qualifications.

### **6.8 Supportive work environment**

In order to create and maintain a supportive work environment, the University must:

- i. demonstrate commitment on all levels to the objectives and goals of this Policy and the University Employment Equity Plan;
- ii. develop programmes designed to advance understanding and sensitivity of diversity;
- iii. establish a flexible and accommodating work environment and arrangements;
- iv. develop codes of conduct addressing issues of equity, discrimination and harassment;

- v. develop communication structures which will ensure effective communication by and consultation of all stakeholders and ensure compliance with the disclosure of information principle.

#### **6.9 Reasonable accommodation**

In keeping with the University's commitment to diversity and employment equity, the University will make reasonable accommodations for applicants and staff members from designated groups.

#### **6.10 Dispute resolution**

The University shall ensure that appropriate dispute resolution and grievance procedures relating to unfair discrimination and employment equity are implemented and communicated to all University staff.

### **7. REPORTING**

Internal and external reporting procedures regarding progress with the implementation of employment equity at the UFS shall be as specified in the Employment Equity Plan.

### **8. DURATION**

This Policy shall have force and effect as of the effective date, and shall remain to apply to the University and individual faculties or support service departments until equitable representation in all occupational categories and levels has been established.

### **9. AMENDMENTS AND UPDATES**

This Policy must be updated and amended as and when required by new developments, and must at least be reviewed by August of each year.

### **10. INTERPRETATION**

In case of any dispute over the interpretation of clauses in this policy, be these in Afrikaans or English, the English formulations of the policy shall be decisive.

### **11. TERMS AND DEFINITIONS**

The following terms and definitions generally apply throughout this Policy:

**"Affirmative action"** means measures designed to ensure that suitably qualified persons from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce.

**"Black people"** is a generic term which includes Africans, Coloureds and Indians.

**"Designated groups"** means black people, women and people with disabilities.

**"Designated person(s)"** means a person(s) from designated groups.

**“People with disabilities”** means people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment.

**“Reasonable accommodation”** means any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate or advance in employment;

**“Suitably qualified person”** means a person who is qualified for a job as a result of any one of, or a combination of that person’s –

- i. formal qualifications;
- ii. prior learning;
- iii. relevant experience; or
- iv. capacity to acquire, within a reasonable time, the ability to perform a job.