



*Southern African Catholic Bishops' Conference*  
**PARLIAMENTARY LIAISON OFFICE**



# **SUBMISSION**

**to the**

**Department of Employment and Labour**

**on the**

**DRAFT EMPLOYMENT EQUITY REGULATIONS 2023**

## **1. Introduction**

This submission is made on behalf of the Southern African Catholic Bishops' Conference (SACBC) by the Catholic Parliamentary Liaison Office (CPLO). The CPLO is an office of the SACBC, tasked with liaising between the Church and Parliament/Government, commenting on issues of public policy, and making submissions on legislation.

The CPLO welcomes the opportunity to comment on Draft Employment Equity Regulations, which have important implications for how employers will provide for fair and equitable employment not only to black, but also to disabled employees, and ensure a high level of demographic representativeness.

## **2. Equitable Redress**

**We support** the efforts of the Department to provide numerical targets to ensure equitable representation of suitably qualified people from historically disadvantaged groups based on race, gender, and disability at all occupational levels in the workplace.

We welcome the emphasis on numerical goals/targets, which is lawful, instead of strict quotas, which would be unlawful and would amount to job reservation.

While we support the intention of the Draft Employment Equity Regulations, we do, however, want to point out the following:

### **2.1 Unclear Targets**

There is no explanation providing a better understanding of what the various targets for each sector and each occupational level might mean, and how they would have to be applied. In particular, it is not made clear that the various percentages represent minimum targets. This can cause confusion when the numbers given do not add up to 100.

There could also be confusion around 'targets' of zero. For example, in the Agricultural, Forestry and Fishing Sector in Limpopo, the numerical target for both Coloured males and females is 0%. A target of 0% can neither be a 'target' nor be designed to protect or advance anyone. It does not make sense, and could result in Coloured job applicants being turned away, or not even applying for posts. (The 0% target for Coloured applicants appears in a number of sectors in Limpopo especially.) Instead of listing '0%' it could read 'no target' – this would mean a designated employer would not be forced to 'find' a Coloured employee, but could freely employ Coloured employees if and when they applied. The same applies, naturally, to any other '0%' targets.

**We propose** that the Draft Regulations be corrected to avoid confusion around the percentages, and that the proposed numerical goals be clear and achievable.

## **2.2 Definitions**

The phraseology used should be must clearer to avoid any ambiguities. For example, what is meant by “conducting their business/operations nationally?” Does it mean in all nine provinces, or just in more than one province? It is also unclear what falls under the “remediation activities” sector?

**We propose** that the Draft Regulations need to define concepts which may be ambiguous.

## **2.3 Religious Bodies**

We are concerned about the potential effect of these regulations on Religious Bodies and Churches. It is not clear whether such the religious sector falls under sector 10, Human Health and Social Work Activities, but if it does this may present a problem. Although ministers of religion are not regarded as employees, some religious organisations employ people in welfare, developmental, educational, health and similar spheres. Often, it is a requirement that such employees be members of the church or religious body concerned, and it can easily be seen that this could severely limit the pool of potential employees. Matters of personal belief are not relevant to employment in most sectors, but they can be in the religious sector.

**We propose**, therefore, that the religious sector, if it is indeed included under Human Health and Social Work Activities, should be exempted from these regulations.

#### **2.4. Designated Employers**

We welcome the amendment of the definition of ‘designated employer’ to exclude employers who employ less than 50 staff. This will lift a significant burden from the shoulders of many small and medium enterprises.

#### **3. Conclusion**

We wish Department well in its deliberations.

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