



EMPLOYMENT

Department of Employment and Labour Update: What to expect in relation to the implementation of the Employment Equity sector targets

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On 17 February 2025, the Department of Employment and Labour (“**DoEL**”), held a virtual meeting where various stakeholders and industry players met to discuss and engage on, *inter alia*, the employment equity sector targets for the Professional, Scientific and Technical Sector.

This meeting comes off the back of the Employment Equity Amendment Act 4 of 2022 (“**EEAA**”) which came into effect on 1 January 2025 and the Draft Regulations on Proposed Sectoral Numerical Targets published by the Minister of Employment and Labour on 1 February 2024 (“**Draft Regulations**”).

The DoEL, *inter alia*, set out

- the criteria which designated employers would need to comply with in order to be issued with a compliance certificate for the purposes of employment equity in accordance with section 53 of the Employment Equity Act 55 of 1998 (which is not yet in effect),
- examples of what could be justifiable reasons/ grounds which the DoEL would consider where a designated employer fails to comply with its employment equity targets, when assessing whether or not to issue the designated employer with a compliance certificate notwithstanding their non compliance;

- the national economic active population (“**EAP**”) as well as the EAP for each province, as compared to the proposed employment equity sector targets (as published in the Draft Regulations); and
- the way forward in the implementation process of the EEAA and the regulations thereto.

In relation to the way forward, the DoEL has indicated that it anticipates that the sector stakeholder consultations on the final sectoral employment equity targets will be finalised by the end of February 2025. Thereafter, the DoEL intends to publish two sets of Employment Equity Regulations by the end of March 2025, these being

- the General Administrative Regulations which will contain the reporting forms, employment equity plan templates, enforcement tools and the employment equity compliance certificate template; and
- the Regulations on the 5 year sector employment equity targets

(collectively, “**the Regulations**”).

In April 2025, the DoEL will conduct internal training for the employment equity labour inspectors on the EEAA, the Regulations as well as the employment equity system to be used when assessing a designated employer’s compliance for the purposes of employment equity.

Pending the publication of the two sets of employment equity regulations, we cannot confirm that the DoEL’s way forward will materialise, however, with the imminent enactment of the EEAA and the Regulations, designated employers are encouraged to monitor the latest developments as they arise and to ensure compliance with their obligations for the purposes of employment equity or risk substantial financial sanctions and/or not being issued with a compliance certificate.



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