

Employment Equity targets: What has Agbiz done and where are we at now?

Background

The Minister of Employment and Labour gazetted the final employment equity sectoral targets on 15 April 2025. This was the last step in a process that started in 2018 when the amendments to the Employment Equity Amendment Bill were discussed in NEDLAC and then in Parliament from 2020. The Bill was finally signed into law on 5 April 2023 and commenced on 1 January 2025.

The Department of Employment and Labour conducted some consultations on the proposed targets, but agriculture was lumped together with the forestry and fisheries sector and although Agbiz engaged throughout and submitted a number of comprehensive submissions, the final targets are not at all in line with what Agbiz regards as realistic.

The final targets are as follows:

Top Management: 34% from designated groups with 20,8% female and 13.2% male,

Senior management: 52,6% from designated groups, with 21.6% male and 31% female,

Professionally qualified: 76.4% with 34.7% male and 41.7% female,

Skilled technical: 93.8%, with 49.8% male and 44% female,

Disabled people: 3%

Agbiz inputs and engagements over time

Agbiz participated in the NEDLAC engagements on the Bill through the BUSA structures. One of the things that Agbiz consistently asked for was the need for a detailed, structured consultation process taking into the realities within the various economic sectors and sub-sectors.

Agbiz made three formal submissions to the Department of Employment and Labour, in May 2021, June 2023 and February 2025. In the submissions Agbiz highlighted:

- That the sector is structurally unique, with many operations located in rural areas, making talent recruitment and retention challenging.

- That the proposed targets far exceed current industry norms and fail to consider real workplace demographics, pipeline constraints, and geographic limitations.
- The limited scope and vagueness of the justifiable reasons for non-compliance.
- Concerns about the EE compliance certificate system, particularly its integration with the CCMA case management and minimum wage platforms.
- That the five-year window proposed by the Department is unrealistic, particularly for senior and top management roles.
- That the Department's consultation process was insufficient.

Agbiz proposed realistic, evidence-based alternative targets, derived from actual data collected from a representative sample of agribusinesses. These were however not taken on board by the Department.

Agbiz has been sharing its concerns regarding the process and the targets with BUSA as well.

Various legal challenges

The Democratic alliance has launched a legal challenge against the sector-targets based on constitutional arguments regarding the targets amounting to quotas, ignoring the demographic differences among the provinces and granting wide and vague powers to the Minister of Employment and Labour. The DA is also raising a process point regarding the incorrect tagging of the Employment Equity Amendment Bill as a Bill that does not affect the provinces.

Solidarity is apparently also considering taking action on the basis of the agreement brokered by the CCMA and the International Labour Organisation regarding the implementation of the Employment Equity Amendment Act. The settlement agreement contains provisions such the principle that affirmative action must be applied in a nuanced way, that no absolute barrier to employment may be imposed on persons from any group and no terminations of employment may be effected as a consequence of affirmative action. These were not included in the regulations.

It is reported that National Employers Association of SA and Sakeliga are also considering court action.

Other business organisations are also considering their options in this regard.

Way forward

Agbiz will organise another workshop for members focussing on compliance with the legislation and regulation. A workshop for members was held in June 2023, but another workshop is planned now that the legislation and targets have been finalised. The date will be communicated in the near future.

Agbiz will keep on closely working with BUSA and other economic sectors to raise its concerns in all the relevant fora.

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