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## EMPLOYMENT EQUITY SECTORAL TARGETS PROCESS UNFOLDS

Agbiz delivered its employment equity submission to the Department of Employment and Labour on June 9th. The comprehensive submission encompassed the subsequent feedback:

### **Proposed targets**

The proposed targets by the government are extremely high, consulting with our members when preparing the submissions, members expressed concerns regarding the proposed EE sectoral targets, citing their unrealistic nature, potential negative economic impact and challenges in meeting the targets within the given timeframe. They emphasized the need for more balanced and effective approaches that consider social objectives while aligning with the economic realities of the sector.

### **Lumping together Agriculture, Forestry and Fisheries.**

Concerns have been raised regarding the grouping of primary sector entities, such as farming, with value chain companies like agribusinesses, cooperatives, and input suppliers. The diverse nature and unique characteristics of these sectors necessitate tailored approaches rather than a blanket implementation of employment equity measures. In our submission we highlighted the challenges posed by the proposed EE targets and advocate for the differentiation between agribusinesses and primary producers.

### **Insufficient Consultation**

The submissions points out the insufficient time was allocated for consultation with relevant sectors. If the department had given subsectors enough time then this would have ensured evidence-based submissions and achieved better outcomes. We also mentioned that the need for a comprehensive and detailed consultation process, particularly highlighting the complexity of analysing employment trends in certain industries. The suggested 30-day consultation period and written submissions are deemed insufficient for making decisions of such magnitude.

### **The grounds of justification**

Section 42 of the Act lists seven justifiable grounds for not complying with the targets, which are welcomed. However, there is a concern that these grounds should be contained within the legislation itself for clarity and consistency, in our submission we suggested that the department should consider expanding the justifiable grounds and assess whether employers have taken reasonable steps to achieve the sector targets, including recruitment efforts and

employee development. Factors such as poor infrastructure or service delivery in rural areas, leading to the resignation of designated group employees (ACI), should also be considered. In short, our submission included the need for clarity in the justifiable grounds, concerns about capacity and verification processes, practical limitations in achieving targets, the importance of a fair assessment framework, and the impact of ongoing cases on certification. A comprehensive framework is also suggested to guide the assessment process and consider talent development.

**Discretion of Minister and officials to decide whether there has been compliance or not**

The Amendment Act grants the Minister the authority to determine targets without adhering to any prescribed framework. This wide discretion afforded to the Minister and officials could raise constitutional concerns. It is crucial to ensure that the implementation of employment equity measures is fair, transparent, and aligned with constitutional principles.

In conclusion Agbiz proposed practical solutions that the Department can consider. Agbiz is of the view that the proposed targets for the agricultural sector are unattainable and that further consultation is necessary to ensure the targets reflect the realities of the sector. We also emphasized the importance of sustainable and realistic transformation and highlighted the progress already made by companies in improving inclusivity.. To advance employment equity effectively, trust between the Department and the sector is crucial, and finally we requested thorough consultations to reach mutually agreed-upon targets.

**By Thapelo Machaba**