

LABOUR AND EMPLOYMENT

3. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000

27. Social commitment by all persons to promote equality.—(1) Pursuant to section 26, all persons, non-governmental organisations, community-based organisations and traditional institutions must promote equality in their relationships with other bodies and in their public activities.

(2) The Minister must develop regulations in relation to this Act and other Ministers may develop regulations in relation to other Acts which require companies, closed corporations, partnerships, clubs, sports organisations, corporate entities and associations, where appropriate, in a manner proportional to their size, resources and influence, to prepare equality plans or abide by prescribed codes of practice or report to a body or institution on measures to promote equality.

(Date of commencement of s. 27 to be proclaimed.)

GNR.764 of 13 June 2003: Regulations relating to the promotion of equality and prevention of unfair discrimination

CHAPTER VIII
PROMOTION OF EQUALITY BY ALL PERSONS

[Chapter VIII inserted by GN 563 of 2004.]

28. Application of Chapter.—This Chapter applies to entities that employ—

- (a) 150 and more employees;
- (b) more than 50 but less than 150 employees; and
- (a) less than 50 employees.

29. Promotion of equality by entity with 150 and more employees.—(1) An entity with 150 and more employees must within two years after the commencement of this regulation prepare an equality plan contemplated in section 27 (2) of the Act.

(2) An equality plan referred to in subregulation (1) must—

- (a) be prepared for a period of five years and must coincide with the financial years of the entity;
- (b) be prepared in consultation with and consideration thereof by the community and business sector through any means including the publication of the draft equality plan in the *Gazette*;
- (c) be in writing;
- (d) be signed by the chief executive officer of the entity;
- (e) contain—
 - (i) an analysis of the areas of unfair discrimination and inequality
 - (ii) the goals and objectives to be achieved;
 - (iii) the measures to be implemented to achieve these goals and objectives;
 - (iv) time frames for the implementation of each of the measures;
 - (v) the mechanisms to monitor the implementation of the equality plan; and
 - (vi) the criteria to evaluate the implementation of the equality plan;
- (f) within 30 days after the signing thereof be—
 - (i) submitted to the Director-General of the Department;
 - (ii) made available for inspection at the office of the entity on request of a member of the public; and
 - (iii) made available on the website, if any, of the entity, or be published in the *Gazette*.

(3) An entity must annually and not later than September of each year submit a progress report in respect of the equality plan to the Director-General of the Department.

(4) A progress report must—

- (a) indicate the progress made in the implementation of the equality plan;

- (b) indicate to what extent the areas of unfair discrimination and inequality have been addressed; and
- (c) indicate which time frames have not been met, the reasons therefor and the measures put in place to expedite the implementation of the equality plan.

(5) (a) The Director-General of the Department, or a person designated by him or her in writing must, upon receipt of an equality plan in terms of subregulation (2) (f) (i), or a progress report in terms of subregulation (3), forward the equality plan or progress report, as the case may be, to the appropriate department in the national sphere of government.

(b) Upon receipt of the equality plan or report as contemplated in paragraph (a), the department in the national sphere of government must analyse the equality plan in accordance with the provisions of regulation 25 (2) (a), (b), (c), (d), (e), (f), (g) and (h).

(c) The department in the national sphere of government must, upon receipt of the progress report, consider the progress report with a view to—

- (i) assessing whether sufficient progress has been made with the implementation of the equality plan;
- (ii) assessing compliance with time frames contained in the equality plan; and
- (iii) advising on the measures put in place to expedite the implementation of the equality plan.

(6) An entity must—

- (a) adhere to the Code of Practice contained in Annexure C;
- (b) cause a declaration of adherence to the Code of Practice contained in Annexure C to be signed by the chief executive officer of the entity and the executive authority of the entity, where applicable; and
- (c) on request of a member of the public, cause the equality plan or report to be made available for inspection at the office of the entity.

(7) An entity must display a summary of the Act at a place to which members of the public have access.