

Code for Management Practices for Employment Equity

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HEMIS classification	
Purpose	To establish a policy that will guide management practices at Stellenbosch University with a view to advancing employment equity and reasonable accommodation of people with disabilities
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The essence of this Code

The implementation of effective employment equity (EE) strategies will support the broad strategic theme at Stellenbosch University (SU) of *being an employer of choice* – particularly, the goal of embracing diversity and equity. The Code will accelerate EE by eliminating unfair discrimination and barriers, as identified in SU's Employment Equity Plan. This Code sets guidelines to assist University environments in implementing the Employment Equity Plan.

1. Background

The Constitution of the Republic of South Africa (RSA 1996) guarantees everyone the right to equality. It also identifies designated groups (African, Indian, coloured, women and people with disabilities) as the people that previously were most disadvantaged across all spheres of life, and therefore are earmarked for redress in the transformation process of the country. This Code for Management Practices (“the Code”) aims to give effect to the above as well as to the protection of LGBTIQ+ rights based on section 9(3) of the Constitution, which prohibits unfair discrimination based on race, gender, sexual orientation and other grounds. Building on the Constitution as the foundation, the Employment Equity Act 55 of 1998 (EEA) was introduced to redress inequalities and unfair discrimination in the workplace.

In order to promote diversity according to SU’s strategic theme of being an employer of choice, the University adopted a comprehensive Employment Equity Plan (EEP), which was approved by the Department of Labour (DoL) in June 2018. In its EEP, the University has identified a number of barriers, and equity measures required to overcome these barriers, regarding the appointment of employees from designated groups.

The Code is one of these critical tools for overcoming the barriers identified in the EEP, and it will strengthen the process of eliminating barriers to the appointment of employees from designated groups.

The Code also gives effect to, among other things, section 7 of the University’s Disability Access Policy, specifically section 7.5, which states, “All departments must ensure that their processes, protocol documents and procedures comply with the principles and provisions of the Disability Access Policy, and must strive for disability inclusion in the work that they do.”

The EE processes at SU are guided by the following related documents:

- Constitution of the Republic of South Africa, 1996;
- Higher Education Act 101 of 1997 (as amended), Department of Higher Education and Training (DHET);
- Stellenbosch University Statute, SU;
- Employment Equity Act 55 of 1998, Department of Labour (DoL);
- Vision 2040 and Strategic Framework 2019–2024, SU;
- Guidelines regulating Fixed-term Appointments Exceeding Three Months, SU;
- Code of Good Practice (CGP) on the Integration of Employment Equity into Human Resources Policies and Practices, DoL;
- CGP on the Employment of Persons with Disabilities, DoL;
- CGP on Equal Pay/Remuneration for Work of Equal Value, DoL;
- Technical Assistance Guidelines on the Employment of Persons with Disabilities (Disability TAG), DoL;
- Employment Equity Policy and Plan, SU;
- University Disability Access Policy, SU;
- Labour Relations Act 66 of 1995 (LRA), DoL;
- staff plans, environment plans, and environment EE plans, SU; and
- National Plan for Higher Education, *Government Gazette* No. 22138: GN 230 of 9 March 2001.

Implementing EE and complying with the EEA at the University require more specific operational guidelines, which are set out in this Code.

2. Objectives of the Code

- 2.1. Provide guidelines for implementing the University's EE Policy and its EE Plan.
- 2.2. Eliminate unfair discrimination and advance EE.
- 2.3. Serves as an instrument for identifying aspects of human resources (HR) policies and procedures that are key to EE and that can advance EE objectives.
- 2.4. Complement various University policies and procedures that are related to EE.
- 2.5. Assist SU environments with the practical aspects of advancing EE and reasonable accommodation of people with disabilities.
- 2.6. Include general and reasonable accommodation practices across all key policies and procedures of the University's HR Division.
- 2.7. Establish norms and standards for reasonable accommodation measures, assistive technologies and devices for the benefit of people with disabilities.

3. Job description

- 3.1. A job description template is available on HR's website.
- 3.2. The description must clearly formulate the minimum qualifications, skills and competencies required for a specific position.
- 3.3. The description must define responsibilities and key performance areas clearly.
- 3.4. The description may change according to SU's operational needs.
- 3.5. The line manager concerned must draft, with input from HR, a specific and extensive job description to prevent irrelevant factors from informing the recruitment process.
- 3.6. The requirements for the position set out in the job description must serve as a checklist for screening applicants.
- 3.7. All applicants must be evaluated according to the same requirements standards, which must be set out in the advert.
- 3.8. The environment concerned must analyse the prospective incumbent's functions to determine the inherent requirements, basic qualifications and competencies required to perform the essential functions of the job.
- 3.9. The description must be drafted with a view to preventing the exclusion of people with disabilities.

4. Advertising process

- 4.1. Positions on levels 9 to 19 may be advertised internally or externally, or in both spheres.
- 4.2. External job advertisements must be distributed on suitable platforms that will ensure maximum exposure to candidates from the designated groups.
- 4.3. The advertisement must contain a brief statement regarding the University's EE Policy. One of the following formulations may be used:
 - 4.3.1. The University is committed to employment equity (EE), and appointments

	<p>will be made in line with the EE plan for the specific environment as well as SU's institutional EE Plan.</p> <p>4.3.2. The University is committed to employment equity (EE). In accordance with SU's institutional EE Plan and that for the specific environment, only South African citizens from the designated groups will be considered for appointment.</p> <p>4.4. The advertisement must state the minimum requirements regarding qualifications as well as recommendations for the position.</p> <p>4.5. Recognition of prior learning (RPL) may be applied. Applicants have to include proof of RPL (if any) with their application. RPL involves formal acknowledgement of knowledge or skills (or both) gained from job experience or from other informal or unstructured learning experiences.</p> <p>4.6. Permission may be requested for direct recruitment, i.e. without advertising, if that would be in line with equity measures stipulated in the University's EE Plan and that of the environment.</p> <p>4.7. The advertisement must not state criteria that do not pertain to the essential functions of the job.</p> <p>4.8. If people with disabilities are also targeted, information about vacancies must be made available in an appropriate format (e.g. braille).</p>
5.	Application process
	<p>5.1. In order to be considered for a position, candidates must apply for a specific vacancy.</p> <p>5.2. Referee reports must be obtained regarding all candidates on the final shortlist.</p> <p>5.3. Information about race, gender or disability may be requested for statistical purposes. However, applicants retain the right to withhold such information.</p> <p>5.4. The environment concerned must shortlist applicants who meet the minimum criteria most satisfactorily. Should diversity prove to be inadequate, candidates from designated groups must receive preference.</p> <p>5.5. A "suitably qualified person" as defined in the EEA refers to any specific element or any combination of elements of a person's formal qualification(s), prior learning or relevant experience, or the capacity to acquire within a reasonable time the ability to perform the required functions.</p>
6.	Appointment of pensioners (including people ≥65 years who are not SU pensioners)
	<p>6.1. The Chief Director: HR, in consultation with the Director: EE, must approve all appointments of pensioners (i.e. people ≥65 years, whether they be SU pensioners or not).</p> <p>6.2. If a requested appointment could potentially impede diversification, the request must be presented to the Director: EE for a recommendation before the request is presented to the Chief Director: HR.</p>
7.	Direct recruitment (designated groups)
	<p>7.1. Direct recruitment or headhunting of candidates from the designated groups may be initiated as an EE measure to accelerate diversity in line with the relevant</p>

<p>environment's EE plan.</p> <p>7.2. The Chief Director: HR must approve direct recruitment in consultation with the Director: EE.</p> <p>7.3. Candidates for direct recruitment must be interviewed to establish their appointability with reference to the job description, and all consecutive recruitment and selection processes that may apply must be followed before such appointments may be approved and implemented.</p> <p>7.4. If a request for direct recruitment is rejected the position must be advertised.</p>
<p>8. Direct recruitment (non-designated groups)</p>
<p>Direct recruitment for non-designated groups will be considered subject to the following conditions:</p> <p>8.1. The relevant environment must present compelling motivation.</p> <p>8.2. If the position concerns a scarce skill or an occupation that is in high demand, or both, the environment must show that the SA market had been tested before direct recruitment was requested.</p> <p>8.3. An occupation qualifies as a so-called scarce skills occupation if it is listed in the relevant environment plan.</p> <p>8.4. The DHET's list of scarce skills serves as another guideline for determining whether scarce skills are involved. It is available on HR's website.</p> <p>8.5. Unlisted skills or occupations will be categorised as such only if sound motivation can be offered.</p> <p>8.6. Motivations for appointment without advertising must be submitted to the Chief Director: HR.</p> <p>8.7. The Chief Director: HR must consult with the Director: EE before approving or rejecting such requests.</p> <p>8.8. If the request is granted, recruitment must be done in consultation with HR.</p> <p>8.9. The candidate must be interviewed to establish appointability with reference to the job description, and all consecutive applicable processes that may apply must be followed before the appointment may be approved.</p> <p>8.10. If a request for direct recruitment be rejected the position must be advertised.</p>
<p>9. Fixed-term appointments</p>
<p>9.1. According to the LRA, a fixed-term contract of employment terminates on a fixed date, after a specified event has occurred or upon completion of a specified project.</p> <p>9.2. These provisions regarding fixed-term contracts of employment apply to all SU employees, irrespective of their level of remuneration.</p> <p>9.3. Fixed-term appointments must comply with this Code and any other applicable University policies, regulations, guidelines and procedures related to recruitment and selection.</p> <p>9.4. Fixed-term appointments for shorter than three months:</p> <p>9.4.1. The University guidelines for fixed-term appointments apply.</p> <p>9.4.2. No advertising process is required.</p> <p>9.4.3. Incumbents should harbour no expectations that their contract will be renewed</p>

or that their appointment will become permanent after the term specified in the contract has expired.

9.4.4. Should continuation of the functions concerned be required beyond three months, the new appointment must comply with the guidelines for fixed-term appointments for shorter than twelve months (see 9.5 below).

9.5. Fixed-term appointments for shorter than twelve months:

9.5.1. The University guidelines for fixed-term appointments apply.

9.5.2. The correct fixed-term contract form must be completed and accompanied by a motivation in accordance with applicable legislation and the SU guidelines mentioned at 9.5.1.

9.5.3. An advertising process is optional.

9.5.4. Incumbents should harbour no expectations that their contract will be renewed or that their appointment will become permanent after the term specified in the contract has expired.

9.5.5. Should continuation of the functions concerned be required beyond twelve months, the new appointment must comply with the guidelines for fixed-term appointments of twelve months or longer (see 9.6 below).

9.6. Fixed-term appointments for longer than twelve months:

9.6.1. The position must be advertised.

9.6.2. The incumbent may be re-appointed for a further term without an advertising process, subject to the following conditions:

a) The full recruitment process was followed for the initial appointment.

b) The Code was applied to the initial appointment process.

c) The incumbent has maintained a satisfactory level of performance.

d) The environment concerned must furnish a copy of the initial recommendation report as proof that the above requirements were met.

9.6.3. Should continuation of the functions concerned be required for longer than twelve months, without the above-mentioned conditions having been met, the position must be advertised.

10. Secondary appointments

10.1. Secondary appointments (e.g. as residence head) must comply with the Code and other University policies, guidelines and procedures regarding recruitment and selection that may apply.

10.2. Candidates from the designated groups must receive preference at post levels where these groups are underrepresented.

11. Confidentiality and disclosure

11.1. Information about an employee's disability may be obtained only for a legitimate purpose and with the written consent of the person concerned.

11.2. If the curriculum vitae of a shortlisted candidate has disclosed a disability, the environment concerned may enquire from the applicant about the type of reasonable accommodation that would be required to ensure their equitable participation in an interview.

12. Recruitment and selection

- 12.1. In order to accelerate EE, the recruitment and selection panels for a vacant position must be constituted in a manner that would ensure gender and racial diversity, fairness and the mitigation of potential bias in the recruitment and selection process. Panel members must be engaged in all stages of the process, including the final approval of advertisements and initial shortlisting. Advertisements may be approved electronically by means of a round-robin.
- 12.2. SU appointments must be aligned to the institutional EE Plan and the EE plan of the specific environment.
- 12.3. At post levels where diversity is insufficient candidates from designated groups must receive preference.
- 12.4. In addition to advertising, strategic recruitment efforts must be undertaken at job level 9 and above to attract appointable applicants from designated groups.
- 12.5. Referee reports may be checked solely to ascertain applicants' experience relevant to the position and their actual behaviour.
- 12.6. In order to determine whether the adopted advertising strategy has effectively reached the desired candidates, a database must be compiled to monitor the number of appropriate applicants for the vacancies advertised.
- 12.7. The environment concerned must undertake a selection process of short-listing applicants according to criteria that are fair.
- 12.8. In the interests of fairness, the same criteria applied to determine the appointability of people with disabilities must be applied to applicants without disabilities.
- 12.9. The environment must document the selection process carefully with a view to being able to prove that they did not discriminate against applicants with disabilities.
- 12.10. Discrimination based on a functional impairment is reasonable when the impairment prevents the applicant from meeting the essential job requirements.

13. EE targets and objectives

- 13.1. EE targets must be set for both permanent and fixed-term staff.
- 13.2. The EE targets must be aspirational, realistic and achievable with reference to what is available in the relevant job market.
- 13.3. At post levels where diversity is insufficient candidates from designated groups must receive preference.
- 13.4. All fixed-term appointments must be monitored to ensure compliance with the Code.
- 13.5. Environments that fail to meet targets or to show reasonable progress towards diversify must provide convincing justification for proposing to appoint applicants who are not from the designated groups.
- 13.6. The University's Employment Equity Advisory Committee (EEAC) fulfils a consultative, monitoring and advisory function regarding the implementation of the EE Policy and Plan.
- 13.7. All environments are required to report progress regarding their EE plans to the Director: EE and the EEAC annually. The EEAC must submit a progress report to the Rectorate at least once a year.

13.8.	Benchmarking for EE targets at job levels 1 to 4 must be done against the national economically active population (EAP).
13.9.	Benchmarking for EE targets at job levels 5 to 19 must be made against the regional EAP.
14.	Appointability
14.1.	Appointability must be determined with reference to qualifications, applicable experience, prior knowledge and the potential to obtain the necessary skills within a reasonable time.
14.2.	Should all appointable candidates be from designated groups, preference must be exercised to increase diversity.
15.	Assessment and testing
15.1.	Any psychometric assessment and other testing must meet the statutory requirements and should be administered to determine if the applicant could perform the essential functions of the job concerned, with or without reasonable accommodation.
15.2.	Psychometric assessment and other related testing of employees are prohibited unless the procedure has been scientifically proven to be valid and reliable, can be applied fairly to all employees, is not biased against any employee and has been certified by the Health Professions Council of South Africa (HPCSA) established under the Health Professions Act 56 of 1974 or any other body that may be legally authorised to certify such procedures.
16.	Promotions
16.1.	Promotion is one of the mechanisms for accelerating diversity.
16.2.	Academic staff promotions must comply with faculty-specific guidelines and the institutional document Guidelines for Academic Appointments and Promotions at SU.
16.3.	HR must develop and implement a new policy to address PASS staff promotions.
17.	Conditions of employment
17.1.	Conditions of employment must be reviewed continuously to eliminate all practices that discriminate unfairly on the basis of race, gender, disability, pregnancy, HIV status, family responsibilities, marital status, colour, beliefs or religion, political views, nationality, ethnic or social origins, sexual preference, age, personal convictions, culture, language or any other arbitrary ground.
17.2.	Differentiation regarding remuneration levels must be justifiable with reference to objective factors, such as job duties and the incumbent's performance evaluated according to generally accepted criteria and in accordance with the stipulations of the EEA, the EE Regulations and the CGP on Equal Pay/Remuneration for Work of Equal Value.
18.	Training and development

<p>18.1. HR's orientation programme and induction training of new employees at environment level must be accessible to employees with disabilities and reasonably accommodating of their needs.</p> <p>18.2. The environments must include, with the assistance of the University's Disability Unit and EE Office, disability sensitisation in their induction programmes and all other relevant training programmes.</p> <p>18.3. All employees must have access to training and development opportunities that are free of unfair discrimination.</p> <p>18.4. Employees from the designated groups must receive preference in the selection process for training and development with reference to the operational requirements of the particular position and the University's EE Plan.</p> <p>18.5. All training and development programmes must be evaluated continuously to ensure their efficacy and that they support the intentions of SU's EE Plan.</p> <p>18.6. Line managers must consult with employees who have disclosed disabilities, in order to ensure input specific to their career development and advancement.</p>
<p>19. Performance management (relating to EE)</p>
<p>19.1. SU considers transformation (including EE) to be integral to the key performance areas (KPAs) of environment heads and staff exercising delegated powers. KPAs are included in every SU employee's work agreement, and specific transformation performance indicators must form part of work agreements with environment heads and staff exercising delegated powers.</p> <p>19.2. The weight of the transformation KPA must be between 20% and 25%.</p> <p>19.3. The managers of environment heads and staff exercising delegated powers must evaluate their performance regarding transformation and EE annually.</p>
<p>20. Termination of employment</p>
<p>20.1. Exit interviews must be conducted to determine an employee's reasons for leaving SU's employ.</p> <p>20.2. The HR practitioner responsible for the environment from which the resignation has been received must invite the employee to an exit interview.</p> <p>20.3. Termination of employment because the employees has become disabled or unable to do their job must be fair under both the LRA and the EEA.</p> <p>20.4. Every reasonable attempt must be made to retain employees from the designated groups.</p>
<p>21. Assistive devices and services</p>
<p>21.1. Assistive devices for employees with disabilities resort under two broad categories, namely those related to independent living and those related to employment.</p> <p>21.2. The procurement and disposal of devices must comply with SU financial policies and procedures, and provisioning of such devices must be fair, equitable, transparent and cost effective.</p> <p>21.3. Employees with disabilities are personally liable for repairs to and the maintenance of their personal (independent-living-)assistive devices.</p>

<p>21.4. The University is responsible for routine maintenance of and repairs to employment-related assistive devices.</p> <p>21.5. Should employees need training to use an assistive device, (e.g. visually impaired employees who have to undergo training with their guide dog), they must be treated like any SU employee requiring training in accordance with the Staff Development Policy.</p>
<p>22. Budget and resource allocation for assistive devices or services</p>
<p>22.1. Budget allocations must be in line with SU's financial model. Every responsibility centre (RC) and faculty must manage their obligations within their budgets as well as the full implication of the budget, which include accommodation of disabilities.</p> <p>22.2. Every RC must provide work environments that offer reasonable accommodation to people with disabilities.</p> <p>22.3. The factors below must guide budgetary provisioning for assistive devices:</p> <p>22.3.1. the number of current employees with disabilities, and the reasonable accommodation that they require;</p> <p>22.3.2. the individual needs of employees with disabilities;</p> <p>22.3.3. existing physical and communication barriers in the work environment;</p> <p>22.3.4. the essential job requirements of the relevant position.</p>
<p>23. EE plans</p>
<p>23.1. EE plans must be developed and implemented at both institutional and environment level.</p> <p>23.2. The Director: EE is responsible for compiling the institutional EE Plan with input from the environments' EE plans.</p> <p>23.3. The environment heads are responsible for developing and implementing their respective EE plans.</p> <p>23.4. An EE plans for each faculty or PASS (professional, administrative and support services) environment must be compiled annually and attached to their respective environment plans.</p>
<p>24. Recommendations for appointment or promotions, or both</p>
<p>24.1. An environment's diversity profile must be evaluated as set out below to determine whether it is making reasonable progress in this regard:</p> <p>24.1.1. the racial and gender profile at the job level of an advertised position – for PASS environments, the diversity profile of the specific division in the RC must be used; for faculties, the diversity profile of the department must be used; and</p> <p>24.1.2. the racial and gender profile of the RC as a whole – for PASS environments, the diversity profile of the RC must be used; for faculties, the diversity profile of the whole faculty must be used.</p> <p>24.2. Where diversity is insufficient preference must be given to candidates from the designated groups.</p>

24.3.	Should all appointable candidates be from designated groups, preference must be given to those from the least represented designated group in that environment.
25.	Succession planning
25.1.	Succession planning is owned by line management, driven by top management, and guided and supported by HR.
25.2.	The succession plan must be aligned to the environment EE plan and focus on SU's long-term strategic requirements.
25.3.	The environments must ensure that depth of competencies be developed in key academic and PASS positions where skills are both critical and scarce.
25.4.	Environments must ensure, by means of proactive and deliberate planning, sustained effective continuity when incumbents in such select positions vacate their position.
25.5.	Management must identify the key positions that would leave the University vulnerable if the incumbents vacated their position, and for whom there are no sufficiently competent potential successors.
25.6.	A suitable mentor or coach must be assigned to monitor and report on the progress of the succession plan in conjunction with the line manager.
26.	Economically active population
26.1.	Section 15 of the EEA requires designated employers to implement affirmative action measures designed to ensure that suitably qualified people from designated groups have equal opportunities to employment and are equitably represented at all occupational levels in the workforce of that employer.
26.2.	SU determines equitable representation under Section 15 of the EEA with reference to the statistical distribution of the national and regional demographics of the economically active population (EAP), as follows: <ul style="list-style-type: none"> 26.2.1 Job levels 1 to 4 – the national EAP is applied. 26.2.2 Job levels 5 to 19 – the regional EAP is applied. 26.2.3 The University uses the EAP as a benchmark for analysing the workforce to determine the degree of diversity with regard to various designated groups. 26.2.4 This benchmark furthermore guides the University in setting self-imposed numerical goals and targets towards achieving an equitable and diversified workforce. 26.2.5 The EAP for persons with disabilities being unavailable from Statistics South Africa, a 2% target has been set for people with disabilities across all job levels.
27.	Grow Our Own Timber (GOOT) initiatives
27.1.	Appointments resulting from GOOT initiatives may be made on either a fixed-term or a permanent contract.
27.2.	Recruitment or headhunting of young academics and PASS candidates from the designated groups may be undertaken by means of GOOT initiatives as an EE measure to accelerate diversity.

- 27.3. The guidelines for direct recruitment from designated groups (see section 7) and the guidelines for fixed-term appointments (see section 9) apply at all times.
- 27.4. Recruitment or headhunting of young academic/PASS candidates from non-designated groups may also be undertaken by means of GOOT initiatives, subject to the guidelines for direct recruitment from non-designated groups (see sections 8 and 9).
- 27.5. Fixed-term GOOT appointments may be considered for permanent appointment without the position being re-advertised, provided that all the above criteria were met when the initial appointment was made.

28. Employment of non-South Africans

- 28.1. The University's internationalisation strategy serves as a road map to embed an international dimension in the various environment plans. SU's vision is to be recognised globally and to have the reputation of a reliable global role-player and a preferred partner in Africa. The Code recognises that, in order to consolidate these goals, the University will be obliged to acquire scarce skills from non-South Africans in some instances.
- 28.2. Under the Immigration Act 13 of 2002 a foreign national "has all the rights, privileges, duties and obligation of a citizen". Critically, the Immigration Act limits this right expressly to the extent that a non-South African cannot have the rights, privileges and duties which legislation or the Constitution explicitly ascribes to South African citizens (section 25(1)).
- 28.3. Under the EEA non-South Africans do not qualify as members of designated groups, but they are included in the various reports submitted to the DoL. Seeing that the EEA Regulations provide for the University to record and report on non-South Africans separately, they are not targeted for affirmative action and may not be counted as members of designated groups or for the purpose of setting numerical goals.
- 28.4. The University must give preference to the employment of South African citizens over non-South Africans. Under the Employment Services Act 4 of 2014 the University must satisfy itself that there are no other person in the Republic with the suitable skills to fill a vacancy before it may recruit a non-South African.
- 28.5. To minimise the risk of potential litigation, environments must ensure that advertisements for vacancies state clearly that "persons from designated groups" will receive preference *over non-South Africans* where EE targets are a factor. Where EE is not a factor, South African citizens will receive preference over non-South Africans.

29. Related documents

Item number	Document name	Status (e.g. identified, in process or approved)
EEP0001	Employment Equity Policy 2016–2020	Approved
EEP0002	Employment Equity Policy Plan 2016 – 2020	Approved

30. Glossary

30.1 Access refers to a means or a way to:

- 30.1.1 easily and safely approach, reach, enter, use and benefit from a physical space, building, facility or service;
- 30.1.2 locate, retrieve, understand and appropriately use information;
- 30.1.3 participate in economic, social, cultural and political activities; and
- 30.1.4 enjoy and exercise rights and responsibilities.

30.2 Accessibility refers to the extent to which people with special needs or disabilities can use or obtain aspects of society equally, easily, safely and appropriately; and the extent to which an environment, service or product allows access to as many people as possible, in particular to people with disabilities.

30.3 Affirmative action measures are intended to ensure that suitably qualified employees from designated groups have equal employment opportunities and are equitably represented in all occupational categories and at all levels of the workforce. Such measures must include:

- 30.3.1 identification and elimination of barriers with an adverse impact on designated groups;
- 30.3.2 promotion of diversity;
- 30.3.3 reasonable accommodation of people from designated groups;
- 30.3.4 retention, development and training people from designated groups (including skills development); and
- 30.3.5 preferential treatment and numerical goals to ensure equitable representation.

30.4 Assistive devices and technologies have as primary purpose the maintenance or improvement of an individual's functioning and independence to facilitate participation and to enhance overall well-being. Such aids may help also to prevent impairments and secondary health conditions. Examples of assistive devices and technologies include wheelchairs, prostheses, hearings aids, visual aids and specialised computer software and hardware that increase mobility, hearing, vision or communication capacities.

30.5 Designated groups means women, people with disabilities and black people (i.e. black African, coloured, Indian and Asian) who are natural persons and citizens of the Republic of South Africa by birth or descent; or who are citizens of the Republic of South Africa by naturalisation that occurred before the commencement date of the Constitution of the Republic of South Africa, 1996 (i.e. 4 February 1997); or who became citizens of the Republic of South Africa on the commencement date of the Constitution, but who would have been entitled to acquire citizenship by naturalisation before that date had the apartheid policy not been in place.

30.6 Disability refers to:

- 30.6.1 a physical or mental impairment;
- 30.6.2 a long-term or recurring impairment;
- 30.6.3 an impairment that substantially limits a person's prospects of entry into employment or advancement at the workplace; or
- 30.6.4 a condition caused by an accident, trauma, genetics or a disease, which may limit a person's mobility, hearing, vision, speech or intellectual or emotional

functioning.

- 30.7 Employment-related assistive devices** provide specific support in the workplace without which employees with disabilities would be unable to perform their functions, or the quality of their performance would be compromised gravely. The University has a responsibility to provide such devices, which include dictaphones, computers with voice activation, magnifiers, wheelchairs and telephone typewriters as well as secretarial assistance.
- 30.8 Essential job requirements** refers to the skills, knowledge or experience that people need to perform a certain job.
- 30.9 Independent-living-related assistive devices** are specific to an individual in that they are prescribed for and can be used for purposes of independent living by that person or employee alone. Such aids support people with disabilities in all aspects of life, including personal independence, and include artificial limbs, hearing devices, prostheses, wheelchairs and white canes. The University has no responsibility to provide this category of devices.
- 30.10 Non-south African** is an inclusive definition used at the University to refer to foreign nationals (as defined by the EEA).
- 30.11 Reasonable accommodation** refers to modifications or alternations to the way essential functions of a job are normally performed, which allows a suitably qualified person with disabilities to perform according to the same standard as a person without those disabilities.
- 30.12 Recognition of prior learning (RPL)** is a process for assessing persons who have gained skills and knowledge through informal, non-formal or experiential learning with a view to granting them recognition and award them credits for such learning that meets the requirements of an NQF-registered qualification or part thereof. People deserve credit for their competences and skills, even if they have gained them through informal education, in the course of their working lives or by engaging in societal and community-based activities outside formal institutions of learning.
- 30.13 Suitably qualified** is defined in the EEA as referring to one element or any combination of elements of a person's formal qualification, prior learning or relevant experience; also, the capacity to acquire within a reasonable time the abilities to perform the relevant function.
- 30.14 Universal access** means that cultural, physical, social and other barriers have been removed that would have prevented people (including people with disabilities) from entering, using or benefiting from the various systems in a society that are available to other citizens and residents. The absence of accessibility or denial of access means that some members of a community (such as people with disabilities) are deprived of opportunities to engage on an equal footing with others, which in itself constitutes a form of unfair discrimination. (See also the University Disability Access Policy.)
- 30.15 Universal design** means that products, environments, programmes and services are designed to be user friendly to all people, to the greatest extent possible, without the need for adaptation or specialised design. Universal design may not exclude assistive devices for particular groups of people with disabilities where such devices are required.

