

Code for Employment Equity and Diversity

Reference number of this document	AP0050
HEMIS classification	
Purpose	To guide management practices at Stellenbosch University for the advancement of employment equity, diversity, and inclusion
Type of document	Code
Accessibility	General (external and internal)
Implementation date	1 February 2025
Review date/frequency	Every five years or as the need arises
Previous reviews	September 2017
Owner of this Code	Deputy Vice-Chancellor: Social Impact, Transformation and Personnel
Institutional functionary (curator) responsible for this Code	Chief Director: Human Resources
Date of approval	21 January 2025
Approved by	Rectorate
Keywords	Code, guidelines, provisions, regulations, requirements
Language of the source text	English

1. Introduction

Stellenbosch University (SU) views employment equity and promoting diversity as imperative to ensuring transformation and inclusivity at all institutional levels. By recognizing the value of diverse views, the university will unlock economic growth, excellence, and quality of life for all. This is key to the sustainability of SU and our country.

Taking the Constitution as its foundation, the Employment Equity Act (EEA) 55 of 1998 was enacted to address social inequalities that have resulted from past discrimination. The purpose of the EEA is to achieve equity in the workplace by promoting equal opportunity and fair treatment, not only by eliminating unfair discrimination but also by implementing affirmative action measures to redress the disadvantages that designated groups experience.

SU has adopted an Employment Equity (EE) Policy, an Employment Equity (EE) Plan, and a Code for Employment Equity and Diversity, <https://www.sun.ac.za/english/human-resources/employment-equity-and-diversity>. These documents govern the University's actions in pursuing its vision of being a transformed and future-focused university in and for Africa.

2. The essence of this Code

The SU EE Plan identifies several barriers and sets equity measures for appointing employees from designated groups. The Code is a critical tool for eliminating the barriers identified in the EE Plan. The implementation of effective EE strategies dovetails with the University's broad strategic theme of being an employer of choice – in particular, its goal of embracing equity, diversity, and inclusion. The Code sets guidelines to assist University environments in implementing the EE Plan.

3. Objectives of the Code

- 3.1. Provide guidelines for implementing the University's EE Policy and EE Plan.
- 3.2. Eliminate unfair discrimination and advance EE.
- 3.3. Serve as an instrument for identifying aspects of human resources (HR) policies and procedures that are key to EE and that can advance EE objectives.
- 3.4. Complement various EE-related University policies and procedures. <https://www.sun.ac.za/english/human-resources/hr-documents/policies-procedures>.
- 3.5. Assist SU environments with the practical aspects of advancing EE and reasonable accommodation of people with disabilities.

- 3.6. Include general and reasonable accommodation practices across all key policies and procedures of the University's HR Division.

4. Operational guidelines

Implementing EE and complying with the EEA at the University require specific operational guidelines, which are set out here.

4.1. Employment equity plans

- 4.1.1. EE plans are developed and implemented at an institutional level and in each SU environment.
- 4.1.2. The environment heads are responsible for developing and implementing their respective EE plans annually.
- 4.1.3. The Director: EE is responsible for compiling the institutional EE Plan with inputs from the environments' EE plans.

4.2. Recruitment and selection

- 4.2.1. Recruitment and selection panels are constituted in a manner that would ensure gender and racial diversity, fairness, and the mitigation of potential bias in the recruitment and selection process.
- 4.2.2. Panel members are engaged at all stages of the process
- 4.2.3. Advertisements may be approved electronically through a circular email and or round robin.
- 4.2.4. All applicants are evaluated according to the same requirements, which are set out in the advertisement.
- 4.2.5. Appointments are aligned to the institutional EE Plan as well as the EE plan of the specific environment.
- 4.2.6. At post levels where diversity is insufficient, candidates from designated groups receive preference.
- 4.2.7. In addition to advertising, strategic recruitment efforts may be undertaken to attract suitably qualified applicants from designated groups at post level 7 and higher.
- 4.2.8. Referee reports are supplementary tools during a recruitment process solely to ascertain the applicants' experience relevant to the position and their actual behaviour.
- 4.2.9. In the interests of fairness, the same criteria applied to determine the suitability of people with disabilities are applied to applicants without

disabilities.

4.2.10. Discrimination based on a functional impairment is reasonable when the impairment prevents the applicant from meeting the inherent job requirements.

4.3. **Job description**

4.3.1. The job description stipulates the inherent requirements of the job, such as minimum qualifications, experience, knowledge, skills, and competencies that an incumbent would need to perform the specific job.

4.3.2. The job description defines responsibilities and key performance areas clearly.

4.3.3. The job description may change according to SU's operational needs.

4.3.4. The line manager concerned drafts, with input from HR, a specific and extensive job description to prevent irrelevant factors from informing the recruitment process.

4.3.5. Recognition of prior learning (RPL) requirements may be applied as an alternative to formal qualifications. The job description stipulates such RPL requirements.

4.3.6. The inherent requirements of the job set out in the job description serve as a screening checklist.

4.3.7. The job description is drafted in a manner that prevents people with disabilities from being excluded.

5. **Advertising process**

5.1. Positions may be advertised internally or externally, or in both spheres.

5.2. Strategic recruitment is done with agility.

5.3. Advertisements are distributed on suitable platforms – i.e., that ensure maximum exposure to candidates from the designated groups.

5.4. The advertisement contains one of the following EE statements:

5.4.1. The University is committed to employment equity (EE), and appointments will be made in line with the institutional EE Plan.

5.4.2. The University is committed to employment equity (EE), and appointments will be made in line with the institutional EE Plan. Only South African citizens from the designated groups will be considered for appointment.

- 5.5. The advertisement stipulates the inherent requirements of the job (such as minimum qualifications, experience, skills, and competencies).
- 5.6. Recognition of prior learning (RPL) requirements may be applied as an alternative to formal qualifications. The consideration of RPL must be clearly stated in the advertisement and job description.
- 5.7. Permission may be requested for direct recruitment without advertising if that would be in line with equity measures stipulated in the University's EE Plan and that of the environment.

6. Employment equity targets

- 6.1. The Department of Higher Education and Training (DHET) sector targets apply to all environments.
- 6.2. Environments must consider the DHET sector targets and set their own EE targets that are aspirational, realistic, and achievable.
- 6.3. EE targets are set for all staff (permanent and fixed-term staff.)
- 6.4. Environments that fail to meet targets or to show reasonable progress towards diversity, must provide convincing reasons for proposing appointments from non-designated groups.
- 6.5. All environments must report on progress regarding their EE plans to the Director: EE who in turn, submits a progress report to the Rectorate at least once a year.
- 6.6. The University uses the Economically Active Population of the province as a benchmark for analysing its workforce to determine the degree of diversity.
- 6.7. The EE target for people with disabilities is 2% across all job levels.

7. Shortlisting

- 7.1. Before the shortlisting process, all panel members receive a matrix that lists all applicants.
- 7.2. The panel shortlists candidates who best meet the inherent requirements of the position.
- 7.3. All panel members are involved at all stages of the shortlisting process, including approval of the final shortlist.
- 7.4. The human resources practitioner and the EE representative flag and remove biases in the shortlisting process.

8. Application process

- 8.1. Candidates can be considered for a position only if they have applied for a specific vacancy.
- 8.2. Referee reports are requested for all candidates on the final shortlist.
- 8.3. Information about race, gender, and disability may be requested from applicants for employment equity statistical purposes. However, applicants retain the right to withhold such information.

9. Suitably qualified

- 9.1. 'Suitably qualified' is defined in the EEA as referring to any one element or any combination of elements of a person's formal qualifications, prior learning, relevant experience, or the capacity to acquire within a reasonable time the ability to do the job.
- 9.2. Should all suitably qualified candidates be from designated groups, the least represented designated group in that environment receives preference.

10. Recommendations for appointments and promotions

Environments' diversity profiles are evaluated as set out below to determine whether the environment is making reasonable progress regarding EE.

- 10.1. For job levels 1 to 4, the University's diversity profile (race, gender, and disability) for the job level concerned applies, not the diversity profile of the environment. *N.B. Environment refers to divisions or faculties within the RC, not the departments, centers, and sections.*
- 10.2. For job levels 5 to 19, the environment's diversity profile (race, gender, and disability) for the post level concerned applies. In PASS environments both the division and the department's diversity profile apply. In faculties, the diversity profile of both faculty and department applies.
- 10.3. Where diversity is insufficient, candidates from the designated groups receive preference.

11. Performance management concerning transformation

- 11.1. SU considers transformation (including EE) integral to the key performance areas (KPAs) of environment heads and staff exercising delegated powers.
- 11.2. The Rectorate decided to remove the reference to specific percentages for the transformation KPA (minimum of 20 - 25%) in 11.2 of the Code. This action would pave the way for an organic approach to implementing the transformation KPA on all staff levels.

- 11.3. On levels 1 to 4 the transformation KPA of a minimum of 20 - 25% would be implemented more immediately than for other staff levels through the proposed aforementioned organic change management approach would be meaningful and extend beyond one which is simply formulaic. This would importantly include the iterative engagement with the Transformation KPA, basket of objectives, and transformation resource guide to ensure that senior staff make the appropriate selections for their post levels and meet the required percentage.
- 11.4. The managers of environment heads and staff exercising delegated powers evaluate their performance regarding transformation and EE annually.

12. Exit Interviews

- 12.1. Exit interviews are conducted to determine an employee's reasons for leaving SU's employment.
- 12.2. The HR practitioner responsible for the environment from which the resignation has been received invites the employee to an exit interview.

13. Direct recruitment: designated groups

- 13.1. Direct recruitment ('headhunting') from the designated groups may be employed as a measure to accelerate diversity in line with the relevant environment's EE plan.
- 13.2. The Chief Director: HR approves direct recruitment in consultation with the Director: EE.
- 13.3. Candidates for direct recruitment are interviewed to establish their suitability with reference to the inherent requirements of the job.
- 13.4. All related recruitment and selection processes are followed before such appointments may be approved and implemented.
- 13.5. If a request for direct recruitment is rejected the position must be advertised.
- 13.6. If the least represented designated groups are underrepresented at the post level concerned, candidates from those groups receive preference.
- 13.7. The environment must provide evidence that the SA job market had been tested before direct recruitment was requested.

14. Direct recruitment: non-designated groups

- 14.1. The relevant environment must present compelling motivation for direct recruitment in this instance.
- 14.2. If the position concerns a scarce skill or an occupation that is in high demand, or both, the environment must provide evidence that the SA job market had

been tested before direct recruitment was requested.

- 14.3. A position qualifies as a scarce-skills occupation if it is listed as such in the relevant environment plan.
- 14.4. Another instrument for determining whether scarce skills are involved is the

DHET's list of scarce skills, available on the HR Division's website, <https://www.sun.ac.za/english/human-resources/employment-equity-and-diversity>.

- 14.5. Skills not found on the list or occupations will be categorised as scarce only upon the presentation of sound motivation.
- 14.6. Motivations for appointment without advertising must be submitted to the Chief Director: HR.
- 14.7. The Chief Director: HR consults with the Director: EE before approving or rejecting such requests.
- 14.8. If the request is granted, recruitment is done in consultation with the HR Division.
- 14.9. The candidate is interviewed to establish suitability with reference to the inherent requirements of the job.
- 14.10. All applicable recruitment and selection processes are followed before the appointment may be approved.
- 14.11. If a request for direct recruitment is rejected the position must be advertised.

15. Fixed-term appointments

- 15.1. According to the Labour Relations Act 66 of 1995, a fixed-term contract of employment terminates on a fixed date, after a specified event has occurred or upon completion of a specified task or project.
- 15.2. Fixed-term appointments must comply with the Code and any other applicable University policies, regulations, guidelines, and procedures related to recruitment and selection.
- 15.3. **Fixed-term appointments for shorter than twelve months:**
 - 15.3.1. The University guidelines for fixed-term appointments apply.
 - 15.3.2. An advertising process is optional.
 - 15.3.3. Incumbents have no expectations that their contract will be renewed or that their appointment will become permanent after the term specified in the contract has expired.
 - 15.3.4. Should continuation of the functions concerned be required beyond three months, the new appointment is made by the guidelines for fixed-term appointments for longer than three months.
- 15.4. **Fixed-term appointments for longer than twelve months:**
 - 15.4.1. The position is advertised.

15.4.2. The incumbent may be reappointed 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 provides a copy of the initial recommendation report as proof that (a) to (c) above have been met.

15.5. If (a) to (d) above have not been met and continuation of the functions concerned is required for longer than twelve months, the position must be advertised.

16. Secondary appointments

16.1. 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.

16.2. Candidates from the designated groups receive preference at post levels where those groups are underrepresented.

17. Confidentiality and disclosure

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

17.2. 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.

18. "Growing our own timber" initiatives

18.1. Appointments resulting from initiatives to 'grow our own timber" may be made on either a fixed-term or a permanent contract.

18.2. Direct Recruitment ('headhunting') of young academics and PASS candidates from the designated groups may be undertaken as an EE measure to accelerate diversity.

- 18.3. The guidelines for direct recruitment of designated groups and fixed-term appointments apply at all times.
- 18.4. Direct Recruitment ('headhunting') of young academic and PASS candidates from non-designated groups may also be undertaken subject to the guidelines for direct recruitment from non-designated groups.
- 18.5. Grow our own timber (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.

19. Employment of foreign nationals

- 19.1. The University's internationalisation strategy serves as a road map to embed an international dimension in the respective 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 to consolidate these goals, the University is obliged to acquire scarce skills from foreign nationals in some instances.
- 19.2. Employing foreigners is intended as a short-term measure to bridge the skills shortage and to facilitate the transfer of skills.
- 19.3. Before recruiting a foreign national, the university must have satisfied itself that there are no persons in the Republic with suitable skills to fill the vacancy.
- 19.4. Environments prepare a skills transfer plan to ensure that the relevant skills are transferred to a South African citizen and the necessary time and resources are invested in transferring and retaining the skills in South Africa.
- 19.5. Under section 25(1) of the Immigration Act 13 of 2002, a foreign national "*has all the rights, privileges, duties and obligations of a citizen*". Critically, the same section limits this right expressly, in that a foreign national cannot have "*those rights, privileges, duties, and obligations which a law or the Constitution explicitly ascribes to [South African] citizenship*".
- 19.6. Foreign nationals do not qualify as members of designated groups, but they are included in the various reports submitted to the Department of Employment and Labour. Foreign nationals may not be counted as members of designated groups or fulfil numerical goals.
- 19.7. Under the Employment Services Act 4 of 2014, the University must satisfy itself, before it may recruit a foreign national, that there is no other person in the Republic with the suitable skills to fill a vacancy.