

ATNS HC DIRECTIVE 13/2010

PROMULGATED BY : EXECUTIVE HUMAN CAPITAL
EFFECTIVE DATE : 1 APRIL 2011
ENQUIRIES : MANAGER HUMAN RESOURCES SERVICES
APPLICABLE TO : ALL ATNS EMPLOYEES

EMPLOYMENT EQUITY POLICY

1. INTRODUCTION

- 1.1 ATNS is committed to employment equity. In order to achieve this goal the employment equity policy will be implemented in accordance with the Employment Equity Act 55 of 1998 and the Bill of Rights.
- 1.2 The company recognises that diversity within the profile of its workforce is desirable from a number of perspectives. Seeking and valuing diversity will enlarge the pool of skilled applicants available to the company. It will better reflect the wider marketplace and assist in a better understanding of that marketplace. It will also develop creative human resources and other management skills and most importantly keep with the positive transformation of the South African society.
- 1.3 The company also recognises the need to remedy the negative effects of past discrimination on certain groups of people. Accordingly, the company will give affirmative treatment to suitably qualified black people, all women and people with disabilities ("designated groups") in order to encourage more equitable representation in all occupational categories and levels within a reasonable period.
- 1.4 ATNS recognises that Employment Equity is an appropriate response to eradicate historical imbalance created by apartheid and other forms of social discrimination.
- 1.5 ATNS therefore commits itself to not only removing all remnants of unfair discrimination, but at the same time introducing a programme of positive redress based on Employment Equity, affirmative through training and education, economic empowerment of designated groups and a change in the management ethics and value system to reflect and fully accommodate the company's diversity.

2. SCOPE

This policy applies to the employer and all employees at ATNS. The policy will among other things, focus on the following issues:

- 2.1 people management;
- 2.2 training, education and development of employees;
- 2.3 the management of diversity; and
- 2.4 promoting and advancing job empowerment of the designated groups.

3. THE POLICY

- 3.1 In terms of this policy, the company will institute active measures to eradicate any unfair discrimination (including indirect discrimination) and will take steps to reverse the under-representation of designated groups at all levels of employment within the company. The company recognises that the under-representation of such groups has come about as a result of apartheid and other discriminatory laws and practices of the past. ATNS shall ensure adequate representation of persons from designated groups in all segments of the company, while ensuring that excellence in service delivery is achieved and maintained.
- 3.2 Employment Equity has the following essential components:
- 3.2.1 The removal of discriminatory barriers to employment and promotion. This includes the review and redesign (where necessary) of all human resource and employment practices, procedures and systems to ensure that only genuine occupational requirements are considered in making employment decisions.
 - 3.2.2 The establishment of internal goals and timetables towards the achievement of employment equity by encouraging the recruitment, hiring, training and promotion of suitably qualified persons in the designated groups.
 - 3.2.3 The improvement in the quality of the participation of designated groups in the company through appropriate hiring, training, development and promotion.
 - 3.2.4 Through an Employment Equity Plan ATNS will make reasonable accommodation for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented at the workplace.
- 3.3 For the purposes of this policy, “suitably qualified” means suitably qualified as a result of one of, or any combination of:
- 3.3.1 formal qualifications;
 - 3.3.2 prior learning;
 - 3.3.3 relevant experience; or
 - 3.3.4 being capable of acquiring, within a reasonable time, the ability to do the job.
- 3.4 The implementation of employment equity in order to create opportunities for designation groups will not result in job losses to employees who do not belong to a designated group.
- 3.5 Contravention of this policy, which could result in heavy financial penalties for the company, will be viewed in an extremely serious light. Disciplinary action, which may include dismissal, may be taken against employees who contravene company policy.

4. APPOINTMENT OF AN EMPLOYMENT EQUITY OFFICER

The Company will appoint an Officer to be responsible for employment equity.

The purpose of the appointment will be to implement and monitor the Employment Equity Policy and ensure that all operational units are involved in the development and implementation of suitable Employment Equity plans. ATNS will provide the person appointed to the aforementioned position with the necessary resources, infrastructure and support to enable him/her to fulfill his/her functions.

- 4.1 The Manager: Human Resources Services will take specific responsibility for monitoring and implementing this policy. For these purposes, he/she will be referred to as the Company Employment Equity/Transformation Officer.

- 4.2 The Employment Equity Officer will report directly to the Executive Human Capital (EHC). He/she will have access to all information, general and specific, including employment records and will be entitled to attend any meeting or hearing dealing with any employment issue.
- 4.3 In addition, a senior manager at each division within the company or any of its subsidiaries will be appointed as Employment Equity Officers (CEO, CFO and all Executives).
- 4.4 Other employees may be assigned from time to time to assist in the employment equity function. However, all employees within the company are expected to take responsibility to ensure that the objectives of this policy are furthered and that its provision is complied with, insofar as they are implemented.

5. DUTIES OF EMPLOYMENT EQUITY OFFICER

The duties of the Employment Equity Officer and any staff assigned to him/her are to:

- 5.1 conduct employment equity surveys in accordance with this policy;
- 5.2 keep and monitor lists of the designated group members employed;
- 5.3 collect and analyse external data on the profile of suitably qualified applicants available for employment;
- 5.4 prepare and recommend an employment equity plan, based on these surveys, lists and external data – this should include the setting of measurable goals and timetables for the recruitment, advancement and enhancement of the work environment of members of the designated groups;
- 5.5 identify discriminatory or potentially discriminatory practices and devise strategies and systems to eliminate such practices;
- 5.6 devise and recommend training and sensitisation strategies relating to employment equity for members of the designated groups;
- 5.7 advise and assist on Employment Equity imperatives in ensuring compliance of this policy to those carrying out recruitment programmes and training and sensitisation sessions;
- 5.8 monitor performance under this policy – field managers are to keep the company employment equity officer apprised of progress or otherwise, receive complaints and recommend strategies for improvement;
- 5.9 through the EHC, obtain legal advice where necessary;
- 5.10 comply with the relevant statutory reporting requirements;
- 5.11 provide periodic reviews of the implementation of this policy;
- 5.12 generally, ensure compliance with the requirements of the policy and of the Employment Equity Act, as amended:
 - (1) creating awareness of and advocating the Employment Equity Policy within the company;
 - (2) giving guidance to operational units on how to formulate and implement Employment Equity plans;
 - (3) co-coordinating the activities of the Employment Equity Forum; and
 - (4) advising employees and operational units on any problems that may arise in the implementation of the policy.

6. EMPLOYMENT EQUITY FORUM

- 6.1 ATNS will ensure that this policy is implemented by establishing an Employment Equity Forum.
- 6.2 The Forum will meet regularly, but at least once every three months annually.
- 6.3 The Forum will be constituted by representatives from designated groups, management and labour. The representatives of designated groups will be elected by secret ballot by all employees belonging to that group. The number of representatives from each group will be as follows:
 - 6.3.1 one representative of African people
 - 6.3.2 one representative of disabled people
 - 6.3.3 one representative of Indian people
 - 6.3.4 one representative of coloured people
 - 6.3.5 one representative of white people
 - 6.3.6 three representatives of the employer viz:
 - 6.3.6.1 the Executive Human Capital or his/her representative;
 - 6.3.6.2 the Employment Equity Manager; and
 - 6.3.6.3 any other person appointed by the Executive Human Capital.
 - 6.3.7 One representative from each registered trade union, which has organisational rights at ATNS.

7. POWERS AND DUTIES OF THE FORUM

- 7.1 Evaluating the implementation of this policy on an ongoing basis.
- 7.2 Advising on the Employment Equity Plans of all operational units.
- 7.3 Monitoring the implementation of this policy and the Employment Equity Plans in operational units.
- 7.4 Recommending the appropriate measures to be imposed in operational units where an Employment Equity Plan is not being adequately implemented.
- 7.5 Attempting to resolve any disagreements or problems arising as a result of the implementation of this policy, whose problems cannot be resolved by the Employment Equity Manager.
- 7.6 Co-opting experts to the Forum where necessary.

8. EMPLOYMENT EQUITY PLAN

The company's Employment Equity Plan will include:

- 8.1 the objectives and numerical goals to be achieved for each year of the plan;
- 8.2 actions that must be taken to achieve the plan;
- 8.3 identifying any barriers to achieving employment equity at the company and outlining measures needed to overcome these barriers;

- 8.4 a statement of adequate time frames required for achieving the goals set out in this policy and the plans;
- 8.5 procedures that will be used to monitor and evaluate the implementation of the plan;
- 8.6 rewards for exceptional performance for complying with this policy; and
- 8.7 measures to sanction and mandate interventions in those operational units which do not comply with the policy.

9. ELIMINATION OF UNFAIR DISCRIMINATION

- 9.1 All decisions in anyway affecting the employment of any employee or job applicant must be made with reference to objective occupational requirements (subject to employment equity measures taken in terms of this policy).
- 9.2 Apart from measures taken in terms of this policy and in terms of any requirements of a particular job, the company will not be party to any unwarranted discrimination (including harassment) in its employment policies and procedures.
- 9.3 Unacceptable grounds for discrimination include:
 - 9.3.1 race, ethnic or social origin, colour, culture, language, birth;
 - 9.3.2 gender sex, pregnancy, marital status, family responsibility;
 - 9.3.3 age;
 - 9.3.4 disability; and
 - 9.3.5 religion, conscience, belief and political opinion.
- 9.4 For the purposes of this policy, employment policies and procedures include, but are not limited to the following:
 - 9.4.1 recruitment, procedures, advertising, selection criteria and pre-employment testing;
 - 9.4.2 job classification and grading;
 - 9.4.3 remuneration, employment benefits and terms and conditions of employment;
 - 9.4.4 working environment and facilities;
 - 9.4.5 training and development;
 - 9.4.6 performance evaluation systems;
 - 9.4.7 promotions, transfers and demotions;
 - 9.4.8 disciplinary codes and procedures; and
 - 9.4.9 any other policy, directive and regulations of ATNS.

Further details in regard to conduct required or prohibited in the above matters will be found in more specific policies and procedures issued from time to time.

10. CONSULTATION WITH EMPLOYEES

- 10.1 Prior to implementation of any part of this policy, the Employment Equity Officer must ensure that employees are consulted. Efforts should be made to attempt to reach agreement on all key issues of the implementation of this policy.
- 10.2 Employees or their representative unions or other nominated representatives must be consulted about:
 - 10.2.1 the conducting of the employment equity survey; and
 - 10.2.2 the preparation and implementation of the Employment Equity action plan.

- 10.3 In the course of the abovementioned consultations, all relevant information to allow effective consultation must be disclosed by the company.
- 10.4 If confidential information is disclosed in the course of consultations, it should be clearly identified as confidential information and employees should be required to sign confidentiality agreements in certain circumstances.

11. EMPLOYMENT EQUITY SURVEYS

- 11.1 Employment equity surveys will be conducted periodically at least in February of each year. The surveys will indicate areas where direct or indirect discrimination may occur in the company's employment practices. The employment equity officer will be responsible for developing and implementing specific action plans and policies to address the problem areas.
- 11.2 Collecting and analysing employment data is necessary to:
 - 11.2.1 identify occupational groups and levels where the designated groups are under-represented;
 - 11.2.2 identify potential barriers that contribute to this under-representation;
 - 11.2.3 plan and implement employment equity programmes; and
 - 11.2.4 monitor progress toward chosen employment equity goals.
- 11.3 Since the statutes do not define the designated groups more specifically than "Africans, coloureds, Indians, white women and people with disabilities", the company will require employees and applicants for employment to "self-identify" themselves based on their own honest and reasonable beliefs. In the event that any employee or applicant refuses to self-identify him/herself on this basis, this will be recorded. The manager responsible for conducting the survey will then use reasonable and objective criteria to identify the person as a member of a designated group, and will attempt to obtain the person's agreement to such identification.

12. DISABILITY

The company has identified the need to ensure the diversification of staff as a strategic imperative. Staff with disabilities bring unique qualities, competencies and skills to the company. In addition, the company will take active steps to address the disadvantages suffered in the past by people with disabilities.

The scope of protection for people with disabilities in employment focuses on the effect of working environment and not on the diagnosis of the impairment. The company will therefore contribute to the integration of people with disabilities into the labour market and the implementation of their life chances.

12.1 Impairment

- 12.1.1 An impairment may be physical and is defined as:
 - 12.1.1.1 a partial or total loss of a bodily function or part of the body. It includes sensory impairments such as deafness, hearing impairment or visual impairment.

12.2 Accommodation

The company should reasonably accommodate the needs of people with disabilities. The aim of the accommodation is to reduce the impact of the impairment on the person's capacity to fulfill the essential functions of a job.

Accommodation of people with disabilities should be observed through:

- access to buildings; and
- job equipment and facilities.

The company should adopt the most cost effective means that is consistent with effectively removing the barriers to perform the job, and to enjoy equal access to the benefits and opportunities of employment.

13. DISPUTE RESOLUTION PROCEDURES

- 13.1 In the event of a dispute arising regarding the interpretation or implementation of this policy, the parties to the dispute will meet in order to attempt to resolve the dispute.
- 13.2 In the event that no resolution is possible, either party will be entitled to refer the matter for resolution in terms of the Labour Relations Act or applicable Recognition Agreement (for appointed employees).

14. AMENDMENTS TO THIS POLICY

- 14.1 The company will be entitled to review and amend this policy as and when considered necessary.
- 14.2 All amendments are to be reduced in writing.
- 14.3 This policy was consulted with Union representatives.

Executive Human Capital