



# **MANGAUNG LOCAL MUNICIPALITY**

## **EMPLOYMENT POLICY**

Signed by the Municipality and the Labour Unions on 15 December 2003

### **INTRODUCTION**

1. The post 1994 era has brought several challenges relating to transformation. In response to these imperatives Mangaung Local Municipality is committed to the following principles :
  - " MLM employment strategies should be aimed at achieving a workforce that reflect the demographic composition of the people of South Africa, particularly that of the Mangaung area;
  - " MLM shall treat all staff as a valuable resource;
  - " Recruitment Objectives should be aligned to those set in Employment Equity Strategy of MLM and should take into consideration race, gender and people disability;
  - " MLM shall conduct its employment function professionally, transparently and ethically.
2. The purpose of the MLM Recruitment Policy is to set out the policy statements and procedures of MLM. These shall be applicable for recruitment, selection, appointment and/or promotion of internal and external candidates for jobs.

#### **2.1. DURATION**

This MLM employment Policy shall remain in force until otherwise ordered by the South African Local Government Bargaining Council (SALGBC).

The reviewal shall be an agreement reached in the LLF by the parties.

#### **2.2. LEGISLATIVE FRAMEWORK**

##### **2.2.1. Employment Equity Act 55 of 1998**

###### **S.5 Elimination of Unfair Discrimination**

Every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any recruitment policy or practice.

###### **S.6 Prohibition of Unfair Discrimination**

No person may unfairly discriminate, directly or indirectly, against an employee, in any recruitment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV Status, conscience, belief, political opinions, culture, language and birth.

**S.7 Medical Testing****(1) Medical testing of employee is prohibited unless –**

- (a) Legislation permits or requires the testing; or
- (b) It is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of a job.

**(2) Testing of an employee to determine that employee's HIV status is prohibited unless such testing is determined to be justifiable by the Labour Court in terms of section 50(4) of this Act.****S.8. Psychological Testing and Other Similar Assessments**

Psychological testing and other similar assessments of an employee are prohibited unless the test or assessment being used-

- (a) has been scientifically shown to be valid and reliable;
- (b) can be applied fairly to all employees; and
- (c) is not biased against any employee or group.

**2..2..2 Skills Development Act 97 of 1998****S.16 Learnerships**

A Sector Education and Training Authority (SETA) may establish a learnership if-

- (a) the learning consists of a structural learning component;
- (b) the learnership includes practical work experience of a specified nature and duration;
- (c) the learnership would lead to a qualification registered by the South African Qualification Authority and related to an occupation; and
- (d) the intended learnership is registered with the Director General in the prescribed manner.

**S.17 Learnership Agreements**

- (1) A learnership agreement means an agreement entered into for a specified period between-
  - (a) a learner;

- (b) an employer or a group of employers (in this section referred to as “the employer”); and
  - (c) a training provider accredited by a body contemplated in section 5(1) (a) (ii) (bb) of the South African Qualifications Act or group of such training providers.
- (2) The terms of a Learnership Agreement must oblige -
- (a) the employer to –
    - (i) employ the learner for the period specified in the agreement;
    - (ii) provide the learner with the specified practical work experience; and
    - (iii) release the learner to attend the education and training specified in the agreement;
  - (b) the learner to-
    - (i) work for the employer; and
    - (ii) attend the specified education and training.
  - (c) the training provider to provide –
    - (i) the education and training specified in the agreement; and
    - (ii) the learner support specified in the agreement.

### **2.2.3. Labour Relations Act 66 of 1995 as Amended**

#### **S.5 Protection of Employees and Persons Seeking Employment**

- (1)(2) Without limiting the general protection conferred by subsection (1), no person may do, or threaten to do, any of the following :
- (c) prejudice an employee or a person seeking employment because of past, present or anticipated -
    - (i) membership of a trade union or workplace forum;
    - (ii) participation in forming a trade union or federation of trade unions or establishing a workplace forum;

- (iii) participation in the lawful activities of a trade union, federation of trade unions or workplace forum;
  - (iv) failure or refusal to do something that an employer may not lawfully permit or require an employee to do;
  - (v) disclosure of information that the employee is lawfully entitled or required to give to another person;
  - (vi) exercise of any right conferred by the Act; or
  - (vii) participation in any proceedings in terms of this Act.
- (3) No person may advantage, or promise to advantage, an employee or a person seeking employment in exchange for that person not exercising any right conferred by the Act or not participating in any proceedings in terms of this Act.

### 3. RECRUITMENT

3.1. The following constitutional values will underpin recruitment management in Mangaung Local Municipality:

” **Fairness**

Actions and decisions must be objective, consistent, equitable and without prejudice.

” **Equity**

Corrective measures must be implemented to ensure recruitment practices are free from discrimination, invisible barriers, and unjustness which will impede equal employment opportunities, as informed by the Employment Equity Policy (Still to be developed).

” **Accessibility**

Advertising as a recruitment tool must ensure accessibility of jobs to designated groups.

” **Transparency**

All recruitment management practices in MLM must be open, democratic and subject to public scrutiny upon request within the ambit of the Access to Information Act and the Labour Court.

” **Accountability**

The City Manager is accountable for the recruitment function in MLM.

” **Participation**

Recruitment management will be conducted on the basis of a co-operative relationship with organized labour. Employee representatives will be entitled to an observer status on interview panels.

” **Professionalism**

Recruitment management will be conducted competently and professionally in MLM.

### **3.2 Determining recruitment needs**

#### **3.2.1 Determining recruitment needs in respect of staff other than managers**

- (a) The General Manager determines the need to recruit candidates for employment in her/his sub-directorate with due regard for the numerical goals stated in the municipality’s employment equity plan.
- (b) When a position in the establishment becomes vacant, the departmental head concerned must submit a report via the manager responsible for human resources management to the municipal manager stating the reasons why the position should be filled.
- (c) No position may be filled unless and until the approval of the municipal manager had been granted.

#### **3.2.2 Determining recruitment needs in respect of managers**

The Executive Mayor determines the need to recruit candidates for employment as municipal manager or manager directly accountable to the municipal manager with due regard for the numerical goals stated in the municipality’s employment equity plan.

### **3.3. The Recruitment Process**

#### **(a) Advertising of Vacancies**

” The responsibility for advertising rests with the Employer;

- ” Executive Directors shall request the Executive Director : Corporate Services in writing to advertise a vacancy, the latter shall then compile a vacancy list.
- ” The strategy for advertisements shall be based on a principle of increased competition;

**(b) Method Advertising Positions**

All vacancies shall first be advertised internally. Should a suitable candidate not be found then they shall be advertised externally.

***INTERNALLY*** - Monthly internal vacancy bulletin (Last Friday)

***EXTERNALLY*** - Local Media (Most Approval)  
National Media  
Electronic Media

**C. *SKILLS SEARCH OR “HEAD-HUNTING”*** may be used to identify candidates for senior posts, rare skills and for policy consideration. Discretion for identifying such positions lies with the City Manager.

” At the beginning of every financial year the employer shall present a status report on existing vacancies and the proposed method of advertisement for each one.

” The framework for drawing up advertisements is as follows :

- (i) The advertisement should include an accurate description of the duties to be undertaken, and the criteria which will be applied for selection;
- (ii) Qualifications should include skills and relevant knowledge and exposure. If educational requirements are essential, they should be set at such levels which balance the need for competence with the goal of accessibility. Minimum requirements are strongly recommended against ideal requirements;
- (iii) The advertisement should encourage applications from Blacks, women and people with disability;
- (iv) The requirements for additional health or security clearances, where these are justified by the inherent nature of the work, should be clearly stated in the advertisement.

(b) **Age** : Employment is open to everyone as permitted by the application laws.

(c) **Entry Requirements**

” **Citizenship** : Employment in MLM will normally be for South African Citizens.

” **Health** : Health requirements should relate solely to the inherent nature of the duties to be undertaken. Where particular health or physical requirements are essential for performance of the job, these should be clearly stated in the advertisement.

(d) **Selection**

Selection should aim to ensure that the person selected is, of the available applicants, the person best suited for the position, on the basis of his or her skills, experience, abilities, personal attributes, future potential as well as the need to achieve a representative and a diverse workforce in MLM.

(e) **Job Related Selection Criteria**

The criteria on which selection is made should relate only to the inherent requirements of the duties to be undertaken. Educational qualifications alone should not predetermine suitability. Learning potential is equally important.

(f) **Fairness**

The process of selection should not discriminate against any applicant on the ground of race, colour, gender, disability, age, religion, belief, culture, marital status, sexual orientation, pregnancy, domestic circumstances or any arbitrary criteria.

(g) **Equity**

(i) Comply with Employment Equity Act.

(ii) MLM Employment Equity Plan

(h) **Transparency**

Written records of the basis for the selection should be kept. Regret letters to short-listed candidates who do not get appointed should include the reason for not being appointed.

(i) **Appointment**

The responsibility for appointment of staff rests with the City Manager. Staff may be offered one of three types of employment contract :

(i) **Continuous** : A contract of employment that could last until retirement age depending on the employee's performance and conducive working conditions offered by employer.

(ii) **Fixed-term Employment Contract** : May be negotiable for a period not exceeding five (5) years.

- (iii) **Temporary Employment Contract** : May be utilized for seasonal and other ad-hoc work. Employ on this should comply with the provisions of the LRA.

## 6. **Disputes**

Disputes on the part of the policy should be treated in terms of the dispute procedures provided for in relevant labour legislation.