

THEMBISILE HANI LOCAL MUNICIPALITY



RECRUITMENT AND EMPLOYMENT EQUITY POLICY

Policy Number: MP315HR01	Review Date:
Effective Date:	Review Date: as when necessary

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary.

THE POLICY

1.1 PREAMBLE

The staffing policy and its implementation will be fundamentally aimed at matching the human resources to the strategic and operational needs of the Municipality and ensuring the full utilization and continued development of these employees.

All aspects of the staffing, structuring, recruitment, selection, interviewing and appointment of employees will be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except as provided in this policy with reference to affirmative action and employment equity.

- 1.1.1 Whereas the municipality wishes to provide a highly motivated personnel employees.
- 1.1.2 Whereas to ensure that the municipality acquires productive and effective employees.
- 1.1.3 Whereas the municipality ensure there is low rate of labour turnover
- 1.1.4 Whereas to ensure there is a low rate of disciplinary and grievance Procedures.
- 1.1.5 Whereas to ensure there is low rate of complaints from clients and general public
- 1.1.6 Whereas there is increased employment and entrepreneurs in the Mpumalanga Province.
- 1.1.7 Whereas to provide guidelines, norms and standards on the implementation of the recruitment policy by council.

2.2 DEFINITIONS

In this policy unless the context indicates otherwise-

- 2.1.1 **Employee** – means a permanent, or contract employee receiving pay or entitled to it, but excluding a student and independent contractor as defined in the BCEA.
- 2.1.2 **Councilor** means a councilor as defined in the Local Government: Municipal Systems Act.
- 2.1.3 **Nepotism** means favoritism on the basis of family relationships or friendship
- 2.1.4 **Recruitment** means the activities undertaken in the human resource management in order to attract sufficient job candidates who have the necessary potential, compliances and traits to fill the job requirements and to assist the municipality in achieving its objectives.
- 2.1.5 **Reference check** means gathering of information about candidate’s past history from people with whom such candidate has been associated.
- 2.1.6 **Selection** means the process of making decisions about matching of candidates taking into account individual differences and the requirements of the job.
- 2.1.7 **Candidate** means an applicant for a post.

All terminology not defined under clause 2 of this policy shall bear the same meaning as in the applicable legislation.

3.1 OBJECTIVES OF THE POLICY

- 3.1.1 To provide the right quality of employees to Thembisile Hani Local Municipality in order for the Municipality to achieve its intended purpose of providing efficient and effective services to the community in terms of its mandate.

4.1 POLICY APPLICATION

- 4.1.1 The policy applies to affected council employees and prospective employees of Thembisile Hani Local Municipality. Prospective employees who feels aggrieved by the application of the policy may submit his/her grievance in terms of the grievance procedure (SALGBC) as well as the Labour Relations Act, 108 of 1995.

5. LEGAL FRAMEWORK

5.1.1 The responsibility for the appointment of personnel rests with the Municipal Manager of the Employer or his/her delegated assignee(s) in terms of section 55(1)(e) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

- Employment Equity Act (Act 55 of 1998)
- Basic Conditions of Employment Act 1997 (Act No 75 of 1997)
- Labour Relations Act (Act 66 of 1995)

This policy is further based on the principles set out below. Human resource management in the Municipality must-

- (a) Be characterised by a high standard of operational ethics
- (b) Promote the efficient, economic and effective utilisation of employees
- (c) Be conducted in an accountable manner
- (d) Be transparent
- (e) Promote good human resource management and career development practices to maximise human potential: and
- (f) Ensure that the municipality's administration is broadly representative of the South African people, with human resource management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

6. POLICY CONTENT

The responsibility for the appointment rests with the Municipal Manager of the Municipality or his delegated assignee(s) in terms of section 55 (1)(e) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

6.1 BASIC POLICY REQUIREMENTS

6.1.1 Council shall recruit employees to be able to provide services to the community subject to the following principles:

- 6.1.1.1 The filling of vacancies by Thembisile Hani Local Municipality shall be in terms of relevant statutes viz. Basic Conditions of Employment Act, Labour Relations Act and the Employment Equity Act.
- 6.1.1.2 Recruitment shall be undertaken by employees duly authorized to perform that function.
- 6.1.1.3 Recruitment shall be done only after a vacant post with a duly approved job description; grade/level and remuneration package has been

identified to be filled.

- 6.1.1.4 Vacancies shall be filled only if sufficient financial provision has been made on the budget.
- 6.1.1.5 No person may be employed by the municipality unless the post to which he or she is appointed, is provided for in the staff establishment of the municipality.
- 6.1.1.6 The recruitment of employees shall be done with due consideration to confidentiality and integrity.
- 6.1.1.7 No verbal applications for positions in the Thembisile Hani Local Municipality shall be entertained.
- 6.1.1.8 A selection panel in respect of a **section 54A** consisting of the Executive Mayor, MMC and at least one (1) other person who is not a councilor or a staff member of the municipality and who has expertise or experience in the area of the advertised post.

A selection panel in respect of a **section 56** consisting of the MMC, Municipal Manager and at least one (1) other person who is not a councilor or a staff member of the municipality and who has expertise or experience in the area of the advertised post.

A selection panel in respect of all other positions consisting of at least three (3) officials designated by the Municipal manager of which one the three officials may be person who has expertise or experience in the area of the advertised post

- 6.1.1.9 No employee may be appointed without undergoing a selection and /or interview process internally.
- 6.1.1.10 No permanent employee may be appointed except section 54A & 56 with a remuneration package outside the range of the grade into which he/she is being appointed to except with prior recommendation of the Mayoral committee after consideration of any special circumstance which might prevail (salary annexure as approved by SALGBC must be attached).
- 6.1.1.11 Appointment of candidates from outside shall be done after management is satisfied that there is no employee from within the organization who is available, able and willing to fill the vacancy.
- 6.1.1.12 Staff provisioning shall be done in a fair and non-discriminatory manner, promoting the integrity of Thembisile Hani Local Municipality

6.1.1.13 All vacancies to be filled shall be advertised externally and or internally in consultation with organized labour.

6.2 Post Establishment

The Municipality will maintain a record of all approved posts and shall monitor all appointments against posts according to the approved staff establishment.

Therefore, all requests for new positions and/or unfreezing of the posts must be approved by the Municipal Manager or his delegated authority.

6.3 RECRUITMENT

6.3.1 DETERMINING RECRUITMENT NEEDS

Prior to filling a post, the necessity for filling shall be assessed and motivated in writing by the Head of Department to the Municipal Manager or his delegate: Provided that the authority to fill vacancies can only be delegated to a Head of Department.

6.3.1.1 Validation of inherent requirements

The inherent requirements of a job must reflect the needs of the Municipality and must be appropriate to achieve the service delivery interest of the Municipality. Prior to the recruitment process commencing, the outputs, skills, knowledge and competencies and stated educational requirements as contained in the competency/job profile or job description are scrutinized as to relevance and applicability.

6.3.1.2 Pre-recruitment requirements

To enable the Council to recruit suitable persons in the shortest period and the most cost effective manner, the following processes should be adhered to:

The following documentation should be in place before the filling of a vacancy can be approved:

- An approved organogram
- An approved personnel budget
- Approved qualification/skills and experience requirements
- A job description for each post to be filled
- A completed motivation to fill the post
- Proof that the vacancy indeed exists

6.3.1.3 Post-recruitment processes

The retention period of all unsuccessful job applications must be kept in the municipal records for a period that will not exceed twelve (12) months after the closing date of the advertised post.

6.4 GENERAL PRINCIPLES AND GUIDELINES

6.4.1 The municipality shall apply the following general principles and guidelines when implementing this policy and to prevent discriminatory or unfair Labour practices when recruiting employees:

6.4.1.1 The municipality should ensure that all jobs should be open to all applicants Irrespective of race, sex or other grounds of discrimination prohibited by law.

6.4.1.2 Recruitment of candidates for affirmative action positions should be carried out according to the provisions of the Labour Relations Act.

6.4.1.3 An objective and fair recruiting procedure should be followed at all stages of Recruitment.

6.4.1.4 In the case of a closed shop agreement the representative trade union is to be informed of all vacancies in good time.

6.4.1.5 Information regarding vacancies must clearly state the relevant selection criteria to be applied.

6.4.1.6 The selection criteria should be valid and appropriate to the needs of the job, the municipality and the society as a whole.

6.4.1.7 Recruitment of general workers must be from previously disadvantaged people.

6.4.1.8 All vacant budgeted positions from level 11 until level 15 should be advertised internally first except in case of scarce skills and general workers and cleaners.

➤ Information regarding vacancies are to be posted/placed on special vacancy notice boards on languages as determined by the Council policy.

- Externally, provided that external advertisement may only be published in a newspaper of record in terms of section 21(1) of the Municipal System Act, as follows:

All the vacant posts to be advertised must go through the LLF for noting purposes.

NATURE OF POST	ADVERTISING MEDIUM
Permanent elementary occupations Entry and middle level occupations	Internal internal and National Newspaper
Senior management and professional Occupations	Internal, Provincial and National Newspaper

- 6.4.1.9 All adverts must reflect details of vacancies and salary packets.
- 6.4.1.10** Recruitment and Selection of Senior Managers must take place in accordance with Regulations on appointment and conditions of employment for Senior Managers.
- 6.4.1.11 Procedures and time limits for application should be clearly stated. The advertisement for a Senior Manager Post must specify the closing date as contained in Regulations on appointment of conditions of employment for Senior Managers.
- 6.4.1.12 Where the municipality is unable to recruit internally, and where retrenchment has occurred, the municipality shall make all attempts to recruit workers from the ranks of workers retrenched by the municipality.
- 6.4.1.13 Press advertisements should be placed in newspapers that can be accessed by all population groups, nationally and in the province where the municipality is located.
- 6.4.1.14 Priority shall be given to local people and designated groups in terms of affirmative action plan and employment equity.
- 6.4.1.15 That all funded vacant positions must be filled within (3) three Months of the posts being vacant, and if one fails to comply for some other reasons, an extension to fill the vacant posts must be made through the Municipal Manager.

6.4.1.16 *Pre-employment examination (PEM)*

Certain employees will undergo a pre-employment medical Examination prior to being appointed to a position. The position being filled will determine whether an examination is needed. The selection criteria will be the risks involved, determined by the job and results kept confidential. The inherent medical requirements will be used to ensure non-discrimination results. A declaration will be signed by the prospective employee to accepting the conditions of the Medical Surveillance Programme and any resulting testing required. The Manager will be notified of the suitability of the prospective employee. i.e water reticulation unit, waste management unit, Traffic officers, sanitation and drivers.

6.5 SELECTION OF CANDIDATES

- 6.5.1 The municipality shall adopt a fair selection procedure to ensure that the best applicant is appointed to the job. The guidelines below should be followed to avoid unfair selection practices:
- 6.5.1.1 Selection criteria should be objective, related to the inherent requirements of the job and consistently applied to applicants, irrespective of race or sex.
 - 6.5.1.2 Non-job-related qualifications and higher than necessary qualifications such as educational degrees, linguistic abilities or length of service should not be used to justify selection of a person from an advantaged group over a person from a disadvantaged group.
 - 6.5.1.3 Any qualification or condition that has the effect of restricting a position to persons from an advantaged group must be clearly justified as job related and necessary before being applied.
 - 6.5.1.4 Qualifications required for a position should be based on current job descriptions or skill requirements that accurately identify the nature, purposes and functions of the job, and not on traditional notions of who should be performing the job.
 - 6.5.1.5 Qualifications requirements for a position should not be adapted to meet the qualifications of any particular individual whose application is anticipated.

- 6.5.1.6 An objective and clearly specified procedure should be followed, so that a quantified score on an individual's suitability is available.
- 6.5.1.7 The mere existence of a prior detention, arrest or criminal record should not constitute automatic grounds for refusal to select any applicant for employment except in instances where it is regarded as an inherent job requirement.
- 6.5.1.8 Recognition of prior learning should be considered if requested by an applicant.
- 6.5.1.9 Selection and short listing of candidates/applicants must be facilitated by Corporate Services/HR Department in consultation with the relevant department and union members as observers.
- 6.5.1.10 Any delegated person by Unions must produce a letter from the respective unions authorizing him/her to sit to any interviews or shortlisting processes of the municipality.
- 6.5.1.11 Municipal Manager must justify through valid and tangible reasons for selecting a different Candidate from the one recommended by the panel after the interviews.
- 6.5.1.12 The Selection panel must be duly appointed by the Municipal Manager.
- 6.5.1.13 The panel shall constitute of three members, an expert in the field or direct Supervisor, a neutral person from another department and Corporate Services/HR. In an absence of a subject expert from within the municipality shall invite an external expert.
- 6.5.1.14 The selection panel will be entitled to further refine or add a selection Criteria if the number of eligible candidates is more than seven (7)
- 6.5.1.15 The selection/ shortlisting scale must be to a maximum of seven (7) and minimum of three (3) in every vacant position shortlisted, except for EPWP, GA and or other positions requiring large numbers of appointments.

6.6 Conducting proficiency tests

One or more relevant competency tests (e.g. typing tested, ability, personality, operating a grader etc.) may be required to be conducted before or after an interview is conducted. A proficiency test may only be required if the outcome thereof is relevant to the job standards that would be expected of the employee and if relates for the description.

7. INTERVIEWS

7.1 The Municipality shall adopt the guidelines below to prevent unfair advancement or discrimination during interviews:

- 7.1.1 Questions should be related to job requirements.
- 7.1.2 Questions must be created by Corporate Services in consultation with relevant Department.
- 7.1.3 The interview should be pre-planned and similar questions should be asked.
- 7.1.4 Questions should be consistent across the interview.
- 7.1.5 An interviewer should not ask for information that can be easily and more accurately accessed from application forms, curriculum vitae, tests or reference checks.
- 7.1.6 The interview atmosphere should be free.
- 7.1.7 A panel member shall not interrupt the applicant when answering questions.
- 7.1.8 Records of interviews, questions and applicants' answers should be retained for later justification of decisions.
- 7.1.9 The purpose of the interview should be explained - whether it is an initial Screening device or the final step in selection.
- 7.1.10 Questions must be drafted by the approved panel on the morning of the interview day.
- 7.1.11 There must be briefing session amongst panel members including observers 30min before the commencement of the interviews.
- 7.1.12 All interviews should be recorded.
- 7.1.13 Records on interviews should be kept for six months within the HR office and 2 years within the municipal storeroom then they may be destroyed.
- 7.1.14 Except for appointments that must be made by the Council, The manager Corporate Service or his/her delegate, the department head concerned and more than one other senior employee from the relevant department must conduct interviewers for all positions.
- 7.1.15 The Municipal Manager or his/her designated representative must and may participate in any interview for appointing an employee:

- On the first level below the level of department head
- As manager directly accountable to her/him, and
- In her/his department/office

7.1.16 An interviewing panel shall be constituted for each interview taking into consideration the following guidelines:

7.1.17 Observers should be part of the interviews up until the end of the interviews.

7.1.18 Only a maximum of fifteen questions must be asked for every position interviewed.

Position/Level	Composition	Size of Panel
Municipal Manager	<ol style="list-style-type: none"> 1. Executive Mayor or his delegate 1. Member of the Mayoral Committee 2. At least one person who is not a Councilor or a staff member of the municipality and who has expertise in the area of the advertised position. <p>An observer from each trade union</p>	Minimum 3
Managers Reporting directly to Municipal Manager	<ol style="list-style-type: none"> 2. Municipal Manager 3. Member of the Mayoral Committee 4. At least one person who is not a Councilor or a staff member of the municipality and who has expertise in the area of the advertised position. <p>An observer from each trade union</p>	Minimum 3
Assistant Managers	<ol style="list-style-type: none"> 1. Municipal Manager/ delegated 2. Direct Superior, Managers Corporate Plus 1 other 	Minimum 3

	<p>Manager An observer from each trade union</p>	
Professionals	<p>1. Direct Supervisor/ Expert 2. Assistant Manager Corporate Plus 1 Assistant Manager 3. Subject Expert (if External) An observer from each trade union</p>	Minimum 3
Clerks	<p>1. Direct Supervisor 2. Chief Admin Officer HR Plus another Professional. An observer from each trade union</p>	Minimum 3
General Assistant	<p>1. Direct Supervisor + other Supervisors 2. Chief Admin Officer HR An observer from trade union</p>	Minimum 3

- In absence of any panel member as per the above table, any employee falling within the same rank/level may be appointed by Municipal Manager

8. Appointment

8.1 The appointment of an applicant may take place only in accordance with the requirements of the post concerned and the merit of the applicant.

8.2 Appointment to a permanent position

The Manager Corporate Services must present every newly appointed employee with a letter of appointment not later than the day on which she/he starts working in terms of section 29 of the Basic Conditions of Employment Act 1997.

Whenever any of the details contained in such a letter is inaccurate the Manager Corporate Services must inform the employee in writing of such change. In the event of an employee that cannot read the relevant department head must explain the content of such letter and any amendment thereof to every employee in a language that she/ he understands.

8.2.1 Appointment for a fixed term

A person appointed as-

- Municipal Manager,
- Manager directly accountable to the Municipal Manager

The employment contract of a person appointed for a fixed term must include, subject to applicable labour legislation, details of-

- The duties, remuneration, benefits and offer term must include, subject to of the employer and employee
- The term of employment. Which term may not exceed a period a two years after the election of the next council of the Municipality, provided that term of any person appointed to work directly under the supervision command of a political Office-bearer or the councilor must expire if that office-bearer ceases to hold that office;
- Include a provision for cancellation of the contact, in the case of non-compliance with the employment contact or the performance agreement;
- Stipulate the terms of the renewal of the employment contact, but only by agreement between the parties; and
- Reflect the values and principles referred to in Section 50, the Code of Conduct set out in Schedule 2, and the management standards and practices contained in section 51 of the Municipal System Act.

The annual performance agreement must be concluded within a reasonable time after a person has been appointed and, thereafter, on or before 31 July each year and must include-

- The performance objectives and targets that the incumbent must meet during the next Financial year. Such performance objectives and targets must be practical, measurable And based on the key performance indicators set out in the Municipality's integrated development plant
- The time frames within which those performance objectives and target must be met;
- Standards and procedures for evaluating performance;
- The intervals for evaluation; and
- The consequences of substandard performance
- The annual performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed in terms of the local Government: Municipal Finance Management Act No. 56 of 2003 must made public no later than 14 days after the approval of the municipality service

delivery and budget implementation plan as required by the abovementioned Act

- Copies of such performance agreements must be submitted to the council and the MEC for local government in the province within thirty after signing of the performance agreements.

9.1 REFERENCE CHECKING

- 9.1.1 Reference, vetting, screening checks will only be carried out for applicants recommended by a Selection panel.
- 9.1.2 Reference checks will be conducted by the Head of Human Resources or any or his/her nominee.
- 9.1.3 The person performing the reference check will obtain the following information during the course of the reference check:
 - 9.1.3.1 Confirmation of the applicant's employment history, including date of
 - 9.1.3.2 Starting service with the previous employer;
 - 9.1.3.3 The applicant's position and remuneration details;
 - 9.1.3.4 The job requirements and key performance areas of the applicant's current Position.
 - 9.1.3.5 The person performing the reference check will not seek to obtain the following information during the course of the reference check:
 - 9.1.3.5.1 Information relating to the ethnic background and personality of the applicant;
 - 9.1.3.5.2 Information based on the feelings, opinions or hunches of the referee;
 - 9.1.3.5.3 Information relating to the performance of the employee that has not been observed and or obtained from a written performance record;
 - 9.1.3.5.4 Information that is hostile or malicious;
 - 9.1.3.5.5 Information as to whether or not the referee regards the applicant as being Suitable for the position for which he/she has been recommended by the interviewing panel.
- 9.1.4 Security Check must be conducted by Manager Corporate Services or anyone he might nominate.
- 9.1.5 The honours are on corporate services to verify the validity, authenticity of applications and bonafides.

Vetting

- Shortlisted candidates will be subjected to a personnel vetting process as and when required by Thembisile Hani Local Municipality.
- Notice of personnel vetting will be included in the recruitment advertisement when required.

9.2 EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION

- 9.2.1 The municipality shall take steps to promote equal opportunity in the workplace by eliminating in fair discrimination in any employment policy or practice.
- 9.2.2 It is affirmed that it will not constitute unfair discrimination to take affirmative action measures consistent with the purposes of the Employment Equity Act of 1998 or to distinguish, exclude or prefer any person on the basis of an inherent requirement of any job.
- 9.2.3 Harassment of an employee, including sexual harassment of any form, Constitutes unfair discrimination and such harassment will attract disciplinary Action against any employee found to have committed it.
- 9.2.4 The municipality must, in order to achieve employment equity, implement Affirmative action measures for people from designated groups as defined in Section 1 of the Employment Equity Act of 1998. Designated groups mean black people, women and people with disabilities. Black people are defined in the Employment Equity Act as a generic term meaning Africans, Colored and Indians.
- 9.2.5 Affirmative action measures are measures designated to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of the municipality.
- 9.2.6 Affirmative action measures include, but are not limited to the following:
- 9.2.7 Measures to identify and eliminate employment barriers, including

unfair Discrimination which adversely affects people from designated groups

- 9.2.8 Measures designated to further diversity in the workplace based on Equal dignity and in respect of all people;
- 9.2.9 Making reasonable accommodation for people from designated groups in Order to ensure that they enjoy equal opportunities and are equitably Represented in the workforce of the municipality;
- 9.2.10 Measures to ensure the equitable representation of suitably qualified people From designated groups in all occupational levels in the workforce of the Municipality;
- 9.2.11 Measures to retain and develop people from designated groups and to Implement appropriate training measures, including measures in terms of the Skills Development Act of 1999.
- 9.2.12 No provision in this policy should be construed as requiring the municipality to take any decision concerning an employment policy or practice that would establish an absolute barrier to the prospective or continued employment or advancement of people who are not from the designated groups.

9.3 Retention of people from designated groups

The Municipality is committed to lowering the turnover rates and increasing the retention rates of designated members. Accordingly, the Municipality has adopted a new policy regarding exit interviews in order to enable the Municipality to develop further strategies regarding the retention of people from designated groups by determining the reasons why people from designated groups terminate their services with the Municipality. This will also enable the Municipality to compete successfully with other employers in an effort to obtain and retain the services of people from designated groups.

9.4 Reasonable accommodation of people with disabilities

The Municipality has adopted a policy regarding the accommodation of the disabled, with specific reference to adapt physical facilities that will be

implemented gradually with a view to making the grounds and buildings accessible to people with disabilities. Special attention will be given to the employment and career development of disabled people.

9.5 Numerical Goals

9.5.1 A numerical analysis must be carried out to determine the representation of employees internally in every employment level and job category as well as externally to determine the external representation of the various groups on both a regional and provincial level. This analysis enables the Municipality to set quantitative targets which are realistic and attainable given the particular circumstances of the Municipality as an employer.

9.5.2 Numerical goals must be developed for the appointment and promotion of people from designated groups in order to address under-representation of the designated groups.

9.5.3 The following factors must be taken into consideration in developing the numerical goals:

- a) The degree of under-representation of designated employees in the various employment categories at the Municipality as determined by the numerical analysis.
- b) The labour turnover rate at the Municipality must be determined to be extremely low. This presents a significant limiting factor as regards the implementation rate of affirmative action measures and the setting of numerical goals by the Municipality. Possible measures that could be considered in order to address this problem include offering voluntary severance packages to senior employees by mutual consent.

6. IMPLEMENTATION AND MONITORING

A report detailing the progress with the implementation of Employment Equity, with specific reference to achievement of numerical goals, has to be compiled

every six months by the person with the responsibility for implementation and monitoring.

The above-mentioned report must be made available to all consulting parties for perusal and comment.

A summary of the above-mentioned report must be circulated to all staff members by means of circulars, and notices on notice boards.

The above-mentioned summary must contain an invitation to all employees to submit their comments or questions on the progress with the implementation of the plan to the responsible person or persons specified in the plan.