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FOR PSA MEMBERS: **OFFICE OF THE CHIEF JUSTICE (OCJ) - CORRECTION**

03-10-2022

Feedback: Departmental Bargaining Chamber Meeting – 27 September 2022

Annual General Meeting (AGM)

The annual general meeting of the Office of the Chief Justice was held on 27 September 2022. The PSA remains the majority union with the following figures announced by the secretariat for noting by parties:

Trade union	Membership	Vote weights
PSA	1 264	77.74%
NEHAWU	350	21.53%
POPCRU	12	0.74%

As the majority union, the PSA will continue to serve members by protecting their rights and promoting their interests.

Tabling Policies

The employer tabled the following policies for consultation in the bargaining forum:

- Employment Equity Policy - this is a new policy with the purpose to create an environment that is equitable and promotes representativity in all occupational categories by addressing imbalances of the past.
- Telephone Policy - this is a new policy with the purpose to put control measures in place about the usage of data.

The draft policies are *attached* and members are requested to provide the PSA with inputs not later than 6 October 2022. Members can send inputs to Velucia Maluleke at velucia.maluleke@psa.co.za.

Employees who want to join the PSA can visit the PSA's website (www.psa.co.za), send an email to ask@psa.co.za, or contact PSA Provincial Offices

Members will be kept informed of the developments.

GENERAL MANAGER

EMPLOYMENT EQUITY POLICY

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1. DECLARATION OF INTENT

- 1.1. The Office of the Chief Justice (OCJ) is committed to creating an environment that is equitable and promotes representivity in all occupational categories through affirmative action measures in the workforce by addressing the imbalances of past injustices and inequalities.
- 1.2. This policy has been benchmarked with the policy from the Department of Planning, Monitoring and Evaluation.
- 1.3. The following principles underpin this policy:
 - 1.3.1. Equity by striving towards equitable representation that reflects the demographics of the country;
 - 1.3.2. Fairness through application of fair practice, policies and procedures;
 - 1.3.3. Transparency by application of the principles of openness;
 - 1.3.4. Access by providing relevant information, resources and reasonable accommodation for persons with disabilities;
 - 1.3.5. To implement the objectives of this policy in a cost effective manner in line with Departmental MTEF, and PFMA;
 - 1.3.6. Participation through consultation of all stakeholders and promotion of cultural understanding of diversity amongst employees;
 - 1.3.7. Management and employees are accountable for making decisions that are in line with the achievement of the objectives of this policy;
 - 1.3.8. To provide reasonable accommodation that will enable people from the designated groups to maximise their potential;
 - 1.3.9. This policy shall be applied in a professional manner in accordance with HR best practices;
 - 1.3.10. The application of this policy shall take into account the redress and historical disadvantages inflicted upon persons within the designated groups by the recognition of their position as opposed to other persons within this group.
 - 1.3.11. This policy seeks to ensure the achievement of optimum service delivery to all.

2. PURPOSE

- 2.1. To provide a framework for the effective implementation of employment equity and related policies; and
- 2.2. To develop an Employment Equity Plan for implementation throughout the workplace by all stakeholders in the filling of posts to achieve the targets set out by the Employment Equity Act, 1998 as amended;

- 2.3. To identify and eliminate barriers that adversely affect people from the designated groups and thereby creating a conducive working environment;
- 2.4. To implement affirmative action measures that promote equal and advanced opportunities for designated groups;
- 2.5. To create a workforce that is broadly representative of the demographics of the country and to maintain the principles of inclusiveness, diversity, responsiveness and equality;
- 2.6. To advance the employment of women in management positions and persons with disabilities, both at national and provincial level;
- 2.7. To establish an Employment Equity Consultative Forum that will help the department with monitoring and reporting on the progress of the implementation of the Employment Equity Plan.

3. TERMINOLOGY

ACRONYMS	
AA	Affirmative Action
EE	Employment Equity
EEA	Employment Equity Act
EEC	Employment Equity Committee
MTEF	Medium Term Expenditure Framework
PDP	Personal Development Plan
PFMA	Public Finance Management Act
SMS	Senior Management Services
SG	Secretary-General

DEFINITIONS	
Basic Conditions of Employment Act	Means the Basic Conditions of Employment Act, 1997 (Act 75 of 1997).
Black People	Is a generic term which means Africans, Coloureds and Indians.
Collective Agreement	Means a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by one or more registered trade union or employers.
Constitution	Means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) as amended.
Department	Means the Office of the Chief Justice inclusive of the National Office, Provincial Centres, Superior and Specialised Courts.

Designated Groups	Means black people, women and people with disabilities.
Developmental Programmes	Steps involved in improving employee's knowledge, performance, skills and career.
Dismissal	Has the meaning assigned to it in section 186 of the Labour Relations Act.
Dispute	State of disagreement over a particular issue or a number of issues that can lead to a conflict.
Employee	Means any person appointed in terms of the Public Service Act on contract, permanent and fixed term who receives, or is entitled to receive, any remuneration.
Employment Policy or Practice	Includes, but not limited to – recruitment procedures, advertising and selection criteria; appointments and appointment process; job classification and grading; remuneration, employment benefits and terms and conditions of employment; job assignments; the working environment and facilities; training and development; performance evaluation system; promotion; transfer; demotion; disciplinary measures other than dismissal; and dismissal.
Family Responsibility	Means the responsibility of employees in relation to their spouse or partner, their dependent children or other members of their family who needs their care or support.
Gender Discrimination	Means treating a person or group of persons differently or failing to recognize material differences in a manner that unfairly disadvantages the person or group of persons on the ground of gender or sex.
Persons with Disabilities	Means people who have a long – term or recurring physical or mental impairment which substantially limits their prospect of entry into, or advancement in, employment.
Public Service	Means the public service referred to in section 1(1) of the Public Service Act, 1994 (promulgated by Proclamation 103 of 1994, and includes any organisational component contemplated in section 7(4) of that Act and specified in the first column of schedule 2 to that Act.
Reasonable Accommodation	Means any modification or adjustment to a job or to the working environment that will enable a person with disability to have access to or participate or advance in employment.
Suitably Qualified	Means a person or group of persons who are qualified for a job as a result of any one of or any combination of, that

	person's formal qualifications, prior learning, relevant experience, and or capacity to acquire, within a reasonable time, the ability to do the job.
Unfair Discrimination	Means a direct or indirect unfair denial of opportunities or imposition of an undue burden to a person or group, on the basis of their gender, race, disability or some other differences or combination of differences.
Workplace Forum	Means a workplace forum established in terms of Chapter V of the Labour Relations Act, 1995 (Act 66 of 1995) as amended

4. APPLICABLE LEGISLATION AND LEGAL FRAMEWORK

- 4.1. Basic Conditions of Employment Act, 1997
- 4.2. Constitution of the Republic of South Africa, 1996;
- 4.3. Departmental Financial Instructions;
- 4.4. Employment Equity Act, 1998;
- 4.5. Labour Relations Act, 1995;
- 4.6. National Disability Framework
- 4.7. National Gender Policy Framework
- 4.8. National Youth Policy Framework
- 4.9. Promotion of Administration of Justice Act, 2000
- 4.10. Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- 4.11. Relevant Collective Agreements of the Public Service Coordinating Bargaining Council (PSCBC) and the General Public Service Sector Bargaining Council (GPSSBC);
- 4.12. Senior Management Service Handbook;
- 4.13. The Public Finance Management Act, 1999;
- 4.14. The Public Service Act, 1994;
- 4.15. The Public Service Regulations, 2016;
- 4.16. The Skills Development Act, 1998
- 4.17. White Paper on Affirmative Action in the Public Service (1998)
- 4.18. White Paper on Human Resource Management (Dec 1997);
- 4.19. White Paper on Integrated National Disability Strategy (1997)
- 4.20. White Paper on transforming of Public Service Delivery - Batho Pele (1997)

5. SCOPE OF APPLICATION

- 5.1. This policy applies to all employees of the Office of the Chief Justice.

6. POLICY PRINCIPLES

The Department shall implement affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels as well as provision of fair opportunities through meaningful participation in order to maximise individual potential. These measures are:

6.1. SETTING OF NUMERICAL GOALS

Section 20 of the Employment Equity Act requires that a designated employer prepare and implement an Employment Equity Plan which will achieve reasonable progress towards employment equity in the employer's workforce and where underrepresentation of people from designated groups has been identified by the analysis, the numerical goals to achieve the equitable representation of suitably qualified people from designated groups within each occupational category and level in the workforce, the timetable within which this is to be achieved and the strategies intended to achieve those goals.

- 6.1.1 National Office, Provincial Centres and all Courts are required to include the targets for the promotion of women empowerment and gender equality;
- 6.1.2 Set annual targets with regards to its demographic composition;
- 6.1.3 Become representative of the broader demographics of the Department;

6.2 FAIR TREATMENT

The Department is committed to the promotion and development of people from the designated groups.

6.3 TRAINING AND DEVELOPMENT

The Department shall develop an Employment Equity Plan that will, amongst others, ensure that people from the designated groups are developed through the provision of skills development programmes.

- 6.3.1. The Department supports and encourages the development of all its employees so that they can attain standards of competence required to fulfil their potential and contribute to achieving the strategic objectives of the Department.
- 6.3.1.1. In order to achieve this, the Department has a budget allocated for the training and development of staff by means of development programmes
- 6.3.1.2. Training and development must be identified by the line manager and recorded on the Personal Development Plans (PDP) which will be the basis for sourcing training interventions.
- 6.3.1.3. Developmental programmes will be used as a method to target achievement of numerical goals and to prepare candidates for the labour market and permanent employment.

6.4 REASONABLE ACCOMMODATION

- 6.4.1. The Department shall endeavour to provide reasonable accommodation and necessary support to ensure that the work environment is friendly, safe, accessible, sensitive and responsive to the need of persons with disabilities.

6.5 RECRUITMENT AND SELECTION

The recruitment and selection process shall be conducted in such a manner that it is at all stages fair, transparent and accessible to all job seekers.

- 6.5.1. The selection process shall, as far as possible, be aligned to the targets as set out in the Employment Equity Plan and shall be driven by a broadly representative selection committee. Preference shall be given to suitably qualified candidates from the designated groups during a selection process and shall be based on one or a combination of the following:

- 6.5.1.1 Formal qualification;
- 6.5.1.2 Prior learning;
- 6.5.1.3 Relevant experience; and
- 6.5.1.4 Capacity to acquire skills within a reasonable time and the potential to do the job.

- 6.5.2. Adverts emanating from the Department shall be placed in the media that has a readership amongst people from the designated groups. Special efforts shall also be undertaken to ensure that persons with disabilities are reached by the adverts. This may

include open advertisement in community newspapers, occupation-specific journals, web-based recruitment agencies as well as disability networks. All adverts shall indicate that the Department is committed to achieving employment equity targets by carrying the following message: " The Office of the Chief Justice is committed to and supports the Employment Equity Act. Persons with disabilities are encouraged to apply"

6.6 EMPLOYMENT EQUITY PLANS

- 6.6.1 The duration of the Employment Equity Plan shall not be shorter than one year or longer than five years.
- 6.6.2 The recruitment and selection process, as well as other processes such as promotions and transfers, shall be guided, informed and driven to meet the objectives of the respective Employment Equity Plans of the National Office, Provincial Centres and Courts, and the broad numerical targets of the Department. All senior managers and selection committees should endeavour to achieve the numerical targets and be sensitised to the goals of the Employment Equity Plan.

6.7 TARGET SETTING

- 6.7.1 The National Office, Provincial Centres and Courts shall conduct the analysis of the workforce profile and set its targets accordingly. The targets set shall be in line with the Department's broad target.
- 6.7.2 The latest national census statistics on persons with disabilities and the economical active population will be used as the reference point in considering/setting targets.

7. ROLES AND RESPONSIBILITIES

7.1. SECRETARY- GENERAL

The Secretary -General shall:

- 7.1.1 Provide leadership and demonstrate personal commitment to the implementation of the affirmative action measures and achievement of a representative workforce (demographic goals as contained in the EE Plan);
- 7.1.2 Ensure compliance as specified in the Employment Equity Act; and

- 7.1.3 Ensure that employment equity issues are included in the performance agreement or contract of SMS members.

7.2. DEPARTMENTAL EXECUTIVE MANAGEMENT COMMITTEES (EXCO)

Departmental Executive Management shall:

- 7.2.1 Be responsible for setting and monitoring the Department's overall transformation strategy;
- 7.2.2 Demonstrate commitment to reach the demographic goals of the Department;
- 7.2.3 Actively promote transformation by holding managers responsible for implementing affirmative action measures and the demographic targets in their units; and
- 7.2.4 Scrutinize and take action on reports provided by the Chief Director: Human Resource Management and Development that indicates possible discrimination and or deviations from the Employment Equity Plan or Employment Equity Act.

7.3. SENIOR MANAGERS

Senior Managers shall:

- 7.3.1 Commit to reaching the demographic goals of the Department;
- 7.3.2 Monitor and maintain a representative workforce in the directorate or unit;
- 7.3.3 Ensure that the recruitment of staff complies with the demographic goals as indicated in the Employment Equity Plan;
- 7.3.4 Promote awareness in the directorate or unit about the EEA objectives as set out in the EE Plan;
- 7.3.5 Initiate or discuss possible affirmative action programmes or action plans for the respective component;
- 7.3.6 Ensure that time is allocated for feedback in the directorate by the Employment Equity Committee members and for members to attend meeting as and when needed; and
- 7.3.7 Be required to include promotion of gender equity in their performance agreements.

7.4. EMPLOYMENT EQUITY MANAGER

In terms of section 24 of the Employment Equity Act, 1998, every designated employer must assign one or more senior managers to take responsibility for monitoring and implementing an employment equity plan. Therefore an Employment Equity Manager shall:

- 7.4.1 Represent the employer on the Employment Equity Committee (EEC) and chair the Employment Equity Committee meeting;
- 7.4.2 Report directly to the Secretary-General on the status of employment equity in the Department and bring any discrepancies or concerns from the Employment Equity Committee to the immediate attention of the Secretary-General;
- 7.4.3 Monitor the implementation of employment equity targets across all functions in terms of the demographic goals of the Department;
- 7.4.4 Lead the preparation, consultation and implementation of the Employment Equity Plan, as referred to in terms of section 20 of the Employment Equity Act;
- 7.4.5 Coordinate the preparation and consultation of the annual Employment Equity report to the Department of Labour as referred to in section 21 of the Employment Equity Act;
- 7.4.6 Ensure visibility or the display of the summary of the Employment Equity Act, Employment Equity Plan, EE report and or any other document applicable, at each premises of the workplace as required in terms of section 25 of the EE Act;
- 7.4.7 Assist senior managers with availing the required budget resources to facilitate the implementation of employment equity in the Department. This includes the provision of access to or accessibility in the buildings, and reasonable accommodation to support persons with disabilities.
- 7.4.7 Facilitate and ensure that all employees of the Department are sensitized to employment equity matters on an on-going basis; and
- 7.4.8 Consult on a continuous basis with relevant stakeholders regarding preparation of the plan, implementation and monitoring thereof.

7.5. EMPLOYMENT EQUITY COMMITTEE (EEC)

The Employment Equity Committee will consist of the employer and employee representatives and will be guided by the Employment Equity Terms of Reference (ToR). The Employment Equity Committee shall:

- 7.5.1 Ensure that the interest of employees that they represent in the EEC are properly addressed and feedback is provided to the employee group;
- 7.5.2 Ensure participation in all consultation processes and attendance of Employment Equity Committee meetings;
- 7.5.3 Bring employment equity matters, regarding any employee that may have been adversely affected by any of the departmental policies and practices in the workplace, to the attention of the committee;
- 7.5.4 Assist with the implementation of the Employment Equity Plan and the execution of compliance issues as indicated in the Employment Equity Act;

- 7.5.5 Examine the workforce profile in terms of representivity, monthly employment equity statistics for the entire OCJ and on quarterly basis, to determine the trend and degree of under-representation of the groups of employees represented; and
- 7.5.6 Monitor the implementation of the approved plan on regular basis.

8. POLICY IMPLEMENTATION AND REVIEW

This policy shall be reviewed after five (5) years or when the need arises.

9. POLICY APPROVAL

The signatories hereof, confirm adoption and approval of the Policy.

Chief Director: HRM&D

Date

DDG: Corporate Management Services

Date

Secretary General

Date

TELEPHONE POLICY

VERSION	EFFECTIVE DATE	PARAGRAPHS AFFECTED	REVIEW DATE
1	Approval Date	Initial Document	When a need arises

1 DECLARATION OF INTENT

- 1.1 Telephones are an important instruments for communicating with staff, customers and third parties. The use of telephones (landlines) in the Office of the Chief Justice comes at a financial cost.
- 1.2 Responsible usage of telephones is necessary to avoid financial wastage. This policy is meant to regulate, enforce accountability and responsible usage of telephones by employees.

2 PURPOSE

- 2.1 To establish acceptable usage of the telephones;
- 2.2 To prescribe an amount of money an employee is allowed spend on telephone usage.
- 2.3 To ensure that employees are not unduly restricted to conduct OCJ business through the telephones.
- 2.4 To establish a mechanism for holding employees accountable for irresponsible and wasteful use of telephones.

3 TERMINOLGY

3.1 Acronyms

ABBREVIATIONS	DESCRIPTION
OCJ	Office of the Chief Justice

Employee	A person appointed in terms of the Public Service Act 1994(Act No.103 of 1994) to a post on the Establishment of the Department including temporary and contract employees.
PFMA	Public Finance Management Act No.1 of 1999.
Business Calls	Calls related to business operations of the Department.
Private Calls	Calls related to personal matters of employees.
Telephones	Land line installed in the office.
PIN code	A unique Personal Identification Number that is supplied to each official, which is required to be entered before an outgoing telephone call is made.

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4 APPLICABLE LEGISLATION AND LEGAL FRAMEWORK

- 4.1 Public Finance Management Act, 1999.
- 4.2. Public Service Act, 1994

5 SCOPE OF APPLICATION

- 5.1 This policy applies to all the employees of the Office of the Chief Justice.

6 POLICY PRINCIPLES

- 6.1 The OCJ telephones are business tools to allow employees to communicate with colleagues; customers and external organisations on OCJ business related matters.
- 6.2 Every employee has been allocated their own telephone and a Personal Identity Number (PIN) for activating the telephone.
- 6.3 The PIN is a security measure to ensure that only authorized people can use the telephones, as such, employees are not allowed to share their PIN with anyone.
- 6.4 Employees will be held responsible for any misuse.
- 6.5 The telephones are only meant to be used for OCJ business purpose, however, to provide the employees with some level of convenience, limited private or personal usage shall be allowed.
- 6.6 The amount of business calls shall be restricted to three hundred rand (R 300.00) per month per employees, in the event an employee exceeds this amount, the employee shall provide business justification for such excess use.
- 6.7 The amount of private or personal calls shall be restricted to fifty rand (R 50.00) per month per employee and the employee would be held liable for amounts exceeding the R50 limit. Such amounts will be deducted from the salary of the official.
- 6.8 Employees who exceed the allocated amount of telephone calls shall be held liable for the excess amount and such amount will be deducted from the employee's salary, unless a business justification is provided such that the excess calls are verified business calls.

7 ROLES AND RESPONSIBILITIES

7.1 Employees

- 7.1.1 Shall not put the OCJ in disrepute when using the telephones;
- 7.1.2 Shall not use offensive language on the telephone;
- 7.1.3 Shall use the telephone responsibly ensuring that they can account for every call they make; and
- 7.1.4 Shall keep their telephone PIN confidential and not share it with anyone.

7.2 Information and Communication Technology Unit responsibilities

- 7.2.1 The ICT Unit shall implement a telephone management system with the following capabilities which will:
 - 7.2.2 Enable employees to view their calls and monitor usage;
 - 7.2.3 Enable Supervisors to view staff telephone usage;
 - 7.2.4 Produce billing statements for all users;
 - 7.2.5 Perform financial and accounting functions as per the requirements of the Finance Unit; and
 - 7.2.6 Notify staff and their supervisors when the allocated amount of calls is reached in order to either motivate excess use or implement recovery procedures.

7.3 Supervisors/ Line Managers responsibilities

- 7.3.1 Supervisors/ Line Managers will be provided with telephone management system reports which will allow them to monitor their staff's telephone usage and approve excess use if necessary to enable service delivery;
- 7.3.2 Review staff excessive telephone usage to establish accountability and justification for such;
- 7.3.3 Identify excessive private and or business telephone usage by staff;
- 7.3.4 Provide a consolidated statement of account for the staff under their supervision indicating all amounts due by staff as a result of non-business and excessive use of telephones.

7.4 Finance Unit responsibilities

- 7.4.1 Manage the overall telephone financials such as invoicing, account statements and recoveries;
- 7.4.2 Establish a process for recovering money for excessive use by employees;

8 POLICY IMPLEMENTATION AND REVIEW

8.1 This policy will be reviewed as and when required.

9 POLICY APPROVAL

The signatories hereof, confirm adoption and approval of the policy.

Mr. T Ramatlapeng
Acting Chief Director: ICT

Date

Mr. N Mogale
Deputy Director General: Corporate Services

Date

Ms. M Sejosengwe
Secretary-General:
Office of the Chief Justice

Date