




EMPLOYMENT EQUITY & AFFRIMATIVE ACTION POLICY

Policy Owner:	Bottle Buhle Brands (Pty) Ltd		
Effective Date:	8 TH October 2023		
Authorised by:	CEO		08/10/2023
		Signature	Date
Note:	Bottle Buhle Brands (Pty) Ltd reserves the right to amend the contents of this policy as and when required. The policy currently in effect will apply to all employees regardless of the policy that applied at the time of employment.		

1. Scope/objective of the policy

- 1.1 This policy sets out management's intention to ensure that a fair and equitable workplace is created and maintained as well as the implementation of affirmative action measures.
- 1.2 The Policy has the aim to assist Employees at all levels to actively contribute to the transformation of Bottle Buhle Brands (Pty) Ltd, hereafter referred to as Bothle Buhle Brands, to become more reflective of the population at large and specifically in the geographical areas in which Bottle Buhle Brands operates.

2. Definitions

- 2.1 **'Affirmative Action measures'** is defined as the measures implemented to address disadvantages in employment by 'designated groups' to ensure their equitable representation, and that they have equal opportunities in the workplace.
- 2.2 **'Designated groups'** are defined as black people (Africans, Coloureds and Indians and Chinese), women and people with disabilities who are natural persons and:
 - 2.2.1 are South African citizens by birth or descent; or
 - 2.2.2 are South African citizens by naturalisation before the commencement date of the Constitution of the RSA Act of 1993; or
 - 2.2.3 became South African citizens after the commencement date of the Constitution of RSA Act of 1993, but who have been entitled to become South African citizens prior to that date were it not for the former government's apartheid's policy.

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- 2.3 **‘Disadvantaged’** is defined as the means that any person or group deprived of the rights or who was subject to past discrimination on the basis of race, gender, or disability.
- 2.4 **‘Employment Equity’** is defined as the means of the removal of discrimination and the implementation of affirmative action to create quality of environment and opportunity at work.
- 2.5 **‘Employment Equity Forum/Consultative Committee’** is the representative forum dealing with all Employment Equity matters in the workplace and which is responsible for the practical implementation of the organisational Employment Equity Plan.
- 2.6 **‘Employment Equity Plan’** is the plan which a ‘designated employer’ in terms of the Employment Equity Act must prepare and implement to achieve reasonable progress towards employment equity in the workplace.
- 2.7 **‘Harassment’** is defined as unwanted physical or verbal behaviour which is gender-based, racial or ethnic in nature and includes compromising behaviour to disabled persons.
- 2.8 **‘Suitably qualified’** is defined as the qualification for a job based on one or combination of formal qualifications, prior learning, relevant experience, or capacity to acquire, within a reasonable time, the ability to do the job.
- 2.9 **‘Unfair direct or indirect discrimination’** is any form of differential treatment, restriction, loss of opportunity or prejudice, including practices and criteria based on arbitrary factors, which results in differential treatment and opportunities being afforded to an employee, group of employees or applicant for employment.
- 2.10 **‘Victimisation’** is the application of differentiated or unfair treatment to a particular person or group.

3. Legal principles

The following legislation is applicable to this policy:

- 3.1 The Constitution of the Republic of South Africa, Act 108 of 1996;
- 3.2 Employment Equity Act, Act 55 of 1998;
- 3.3 Code of Good Practice on Integration of Employment Equity into Human Resources Policies and Procedures;
- 3.4 Basic Conditions of Employment Act 1997;

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- 3.5 Labour Relations Act, Act 66 of 1995; and
- 3.6 The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.

4. Prohibition of unfair discrimination

4.1 The Elimination of unfair discrimination:

Botle Buhle Brands has a responsibility to take the necessary steps to promote equal opportunity in the workspace by eliminating unfair discrimination in any employment policy or practices. Discrimination can refer to unintentional or intentional acts of omissions.

4.2 Prohibition of unfair discrimination:

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

4.2.2 It is not unfair discrimination to:

- a) Take affirmative action measures which are not unfair discrimination.
- b) distinguish, exclude, or prefer any person on the basis of an inherent requirement of a job.

4.2.3 Harassment of an employee is a form of unfair discrimination and is prohibited on anyone, or a combination of grounds of unfair discrimination listed in 4.2.1. Any employee may further not cause, encourage, or request any other employee to discriminate against a person. Such conduct is deemed to constitute discrimination.

5. Mandating

- 5.1 The person responsible for managing the Employment Equity process is the Employment Equity Manager.
- 5.2 A representative from each category and region in the organisation should be elected for membership of the Employment Equity Committee.
- 5.3 Issues requiring authorisation, arising from Employment Equity Committee meetings will be forwarded to the CEO.

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6. Policy

- 6.1 It is the policy of Botle Buhle Brands to uphold equal treatment and enhance equity as set in the Employment Equity Act and to promote equal opportunities through a positive continuing program of specific practices designed to ensure the full realization of equal opportunities with regard to race, creed, colour, religion, sex, national origin, age, disability, etc.
- 6.2 To implement these policies, Botle Buhle Brands will:
- 6.2.1 Recruit, hire, train and promote all persons in all job titles without regard to any discriminatory factor(s).
 - 6.2.2 Make employment decisions so as to further the principle of equal employment opportunity.
 - 6.2.3 Ensure that all personnel decisions, including, but not limited to, compensation, benefits, transfers, company training & education, study assistance, and social and recreational programmes, are administered without regard to any discriminatory factor(s).
 - 6.2.4 Ensure that promotion decisions are in accordance with the principles of equal employment opportunity by imposing only valid requirements for promotion.
 - 6.2.5 Achieve AA (Affirmative Action) goals in line with the principles of the merit system through new hires, promotions and give priority to filling vacancies internally while adhering to the principles of equal employment opportunities.
 - 6.2.6 Take AA steps to encourage women, minorities, and handicapped people to apply for positions in which they have traditionally been underrepresented by indicating jobs as AA position on advertisements if applicable.
 - 6.2.7 Botle Buhle Brands will establish realistic goals and timetables to ensure that the workforce approximates the composition of the labour force in the geographical area.
- 6.3 Botle Buhle Brands recognises that total commitment from all Employees to the goals of the Employment Equity process is necessary to succeed.

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- 6.4 Bottle Buhle Brands supports the principles as reflected in the Employment Equity Act and as such will endeavour to ensure that no Employee is unfairly discriminated against based on any of the grounds as set out in the Employment Equity Act.
- 6.5 Affirmative Action measures will be used as far as possible to redress the effect of historical patterns of discrimination that has taken place in employment practices, thereby ensuring equitable representation of designated groups in all occupational categories and levels in the work environment.
- 6.6 Bottle Buhle Brands will develop and implement the Employment Equity Plan in order to fulfil the objectives of the Employment Equity Act.
- 6.7 To achieve the objective contained in the Employment Equity Plan, Bottle Buhle Brands may utilise one or more of the following mechanisms:
- 6.7.1 Preferential treatment for suitably qualified Employees from “Designated Groups” during recruitment and promotion to attain equitable representation in all occupational categories and levels in the work environment.
 - 6.7.2 Wherever possible, recruitment from within the Organisation will take place and to this end Bottle Buhle Brands will acknowledge and utilise the talents of its Employees before looking externally.
 - 6.7.3 Create opportunities through multi-skilling and cross-functional experience, career paths for Employees to develop as generalists or functional specialists within our industry.
- 6.8 The selection, promotion and training of suitably qualified Employees will be based on inherent requirements of the job as well as on merit and will be conducted on a non-discrimination basis, while having due regard for the objectives as set out in the Employment Equity plan. All decisions made in this regard must give due consideration and promote the achievement of the organisation’s short- and long-term objectives.
- 6.9 It is, however, acknowledged that in certain work areas an external appointment might be crucial to facilitate a change of culture or when a new technical process or programme is introduced. External appointment will only take place once internal recruitment has been exhausted.

- 6.10 When recruiting externally, preference will be given to appointing Designated Groups, especially women and the disabled. A suitably qualified person will be a person who has the abilities, formal qualifications and/ or relevant experience and/or potential necessary to perform a particular job.

7. Procedure

- 7.1 Bottle Buhle Brands will develop an Employment Equity report as required by the Employment Equity Act in consultation with the Employment Equity and Skills Development Committee.
- 7.2 The Employment Equity Manager will be ultimately responsible to ensure that discrimination in the workplace is eliminated and that the objectives of the Employment Equity Plan are achieved. The Employment Equity Manager has the responsibility to sign off the Employment Equity Report (EEA2) that is to be submitted to government.
- 7.3 The Employment Equity Manager has the responsibility and authority to develop the Employment Equity Plan and to compile the Employment Equity Report (EEA2) to be submitted to the Department of Labour.
- 7.4 The Employment Equity Manager has the responsibility to monitor the achievement of the employment equity plan.
- 7.5 The members of the Employment Equity committee have the responsibility to assist in the development of the Employment Equity Plan and Report (EEA2). The committee has furthermore the responsibility to assist the designated manager in the monitoring of the implementation of the Employment Equity Plan.
- 7.6 All Employees have the responsibility to report to management, in writing, when they become aware of any discriminatory practises within the workplace.
- 7.7 All managers and supervisors have the authority and responsibility to implement the objectives of the Employment Equity Plan in so far as those objectives pertain to their specific department, within budgetary constraint, as determined by the designated manager in consultation with senior management.
- 7.8 All managers and supervisors have the responsibility to ensure that the work area they are responsible for is free of any unfair discrimination as set out in the Employment Equity Act. Managers and supervisors have the responsibility to take such measures,

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as may be deemed appropriate to address and eliminate any form of unfair discrimination, in consultation with senior management.

8. Related policies & procedures

- 8.1 Recruitment & Selection Policy
- 8.2 Promotion Policy
- 8.3 Training & Development Policy
- 8.4 HIV/Aids
- 8.5 Harassment Policy

9. Related documents

- 9.1 Appointment Letter: Employment Equity Manager
- 9.2 Appointment Letter: Employment Equity Committee Member
- 9.3 Constitution of the Employment Equity Committee