EMPLOYMENT EQUITY ACT NO. 55 of 1998

HOW TO SUCCESSFULLY SUBMIT AN EE REPORT FOR OCTOBER 2013

Purpose

- The purpose of this document is to provide simple and easy to follow guidelines to help employers to successfully complete and submit their employment equity report. The Employment Equity Regulations published in Government Gazette No. 32393 dated 14 July 2009 are applicable for the 1 October 2013 reporting deadline.

Step I - Items to consider before completing an EE report

- Ensure that an Employment Equity Plan exists and it informs the content of the EE Report. The latter is a progress report on the EE Plan.

- The tables in the EEA2 forms on numerical goals and targets, as well as the section on affirmative action measures, are informed by the EE Plan.

- If the company is part of a group of companies, consider whether to submit a consolidated or a workplace report.

- The reporting method used should be consistent for the duration of the current Employment Equity Plan.

- An employer should be consistent regarding the cut-off date for the workforce profile (i.e. table 1.1 of the EEA2 form).

- An employer should be consistent regarding the twelve-month period (or twenty four month period in the case of small employers) to be covered for workforce movements i.e. recruitment, promotions and terminations.

- An employer should ensure that ALL the information required in the different sections of the reporting forms is completed and correct.

Step II - How to complete the prescribed forms

- The prescribed reporting forms EEA2 (Employment Equity Report, 12 pages) and EEA4 (Income Differential Statement, 4 pages) published on 14 July 2009 in Government Gazette must be completed.

- Note that non-prescribed forms, fax copies and e-mailed copies are not acceptable. (This includes payroll printout).

- The forms may be downloaded from the Department of Labour website, www.labour.gov.za
The forms may also be completed online by accessing the Department website, www.labour.gov.za, scroll down to “Online Services” and select “EE Online Reporting”.

The EE Online Service opens from 1 September 2013 and closes on 15 January 2014.

Guidance to overcome difficulties on how to complete the forms properly must be obtained from the Department prior to the reporting deadline of 01 October 2013.

Consult the instructions on page 2 of the EEA2 form and page 2 of the EEA4 form.

Guidelines for the completion of Section A of the EE reporting forms EEA2 and EEA4 forms are available on a separate document. Visit www.labour.gov.za to obtain a copy.

Ensure all sections of the forms are fully and accurately completed. Failure to do so may result in the employer’s report being rejected and omitted from the Employment Equity Public Register.

Ensure accuracy of tables pertaining to numerical goals and targets. (The Numerical goal is the workforce profile the employer projects to achieve at the end of the employer’s current EE plan. The Numerical target is the workforce profile the employer projects to achieve by the end of the next reporting period).

Numerical goals and targets that reflect only the projected workforce changes are not acceptable. Numerical goals and targets are required to reflect the entire workforce profile at the projected date.

Ensure that the CEO’s signature on page 12 of the EEA2 form corresponds with the name of the CEO in Section A of the EEA2 form on page 1 of 12.

Ensure that Section G of the EEA2 form is fully and accurately completed (Signature of the CEO, full name in print and the date signed).

If signed by an acting CEO, an authorization letter signed by the CEO must be enclosed with the Employment Equity report.

Assistance may be obtained from the following:

- Website www.labour.gov.za
- EE Helpline 0860 101018
- The Department of Labour Provincial offices and Labour Centers
- The Department of Labour, Directorate Employment Equity front desk service at Laboria House, 215 Schoeman Street, Pretoria 0001
Step III - Consultation

- Ensure that all consultative processes fulfill the requirements of section 16 of the Employment Equity Act.
- Ensure that consultation has taken place with all relevant stakeholders before the forms are forwarded to the CEO for signature.
- The EE senior manager/s as representative/s of the CEO on the forum, must keep the CEO updated regarding progress made on the report during the consultations.

Step IV - Signature of the CEO

- The CEO must approve and authorize the EE Report before it is submitted.
- In the case of online submission of the EE Report, the employer should retain the signed original copy as required by paragraph 4(10) of the EE Regulations, as well as the EE System generated print out on the EE Online Service.
- In the case of print submissions, unsigned EEA2 forms are rejected and returned to the employer. Section 21(4) of the Employment Equity Act, No 55 of 1998 states: “The reports referred to in subsections (1) and (2) must contain the prescribed information and must be signed by the chief executive officer of the designated employer”.

Step V - Submission

- Ensure that the EEA2 and EEA4 forms are submitted together, failing which the form submitted will be rejected and returned to the employer.
- In the case of online submissions, online users must press the submit button. Forms completed online not submitted will not appear in the Public Register.
- Note that no changes to the content of the EE Report are possible after it has been electronically submitted.

Hand deliveries

- EE Reports may be hand delivered to the Front Desk at Head Office, 215 Cnr Schoeman and Paul Kruger Street, Laboria Building Pretoria, 0001 from the 1st September until the 1st working day of October 2013.
- Hand delivered reports are quality checked and rejected if they are not correctly completed.
- EE Reports may also be hand delivered to Provincial Offices and Labour Centers nationwide. (A list of addresses can be obtained from www.labour.gov.za, go to “contact”).

Post Office and courier
• Mail (Private Bag X117, Pretoria, 0001).

• Courier services, 215 Cnr Schoeman and Paul Kruger Street, Laboria House Pretoria 0001.

**Online Submission**

• The EE online service may be accessed at www.labour.gov.za.

• The EE online service may also be directly accessed using http://ee.labour.gov.za.

• A reminder letter to the CEO and assigned EE manager is forwarded annually with instructions regarding the username & password.

• Employers may verify their username on the EE Public Register for the previous reporting period.

• Employers may also request their username and password online: click “forgot password”.

• Employers retain responsibility for the confidentiality of their username and password.

• Employers are requested not to refer their consultants and service providers to the Department for the issuing of their username and password.

• The Department provides encrypted passwords to ensure greater security of employer’s data.

• Employers must not “register” online if they have previously submitted an EE report online or manually, use forgot password.

• Employers are requested to view the slides providing step by step guidance to login.

**Step VI - Duty to keep records**

• Always file a signed copy of the Employment Equity Report for at least three years in the case of large employers and 2 years in the case of small employers.

• It is advisable to retain records of Employment Equity Reports and plans longer than the minimum prescribed period for future reference and benchmarking purposes.
GUIDELINES FOR THE COMPLETION OF SECTION A OF THE EE REPORTING FORMS (EEA2 AND EEA4)

General Information

- Be reminded to check the instructions contained in the EEA2 and EEA4 forms respectively.
- All information fields in Section A are mandatory.
- All information must be fully and accurately completed. Failure to do so may result in the employer being deemed not to have reported.
- This will result in the employer not being listed in the EE Public Register published by the Minister of Labour in terms of Section 41 of the Employment Equity Act.
- Manually completed forms should be carefully checked to ensure completeness and accuracy.
- Online users who have previously submitted EE reports will have the benefit of having existing Section A information displayed.
- Online users should check if the information displayed is correct, and if required, update with new information e.g. telephone, email.

Trade name

- Complete the correct trade name.
- Be cautious when using abbreviations.
- Check with your Company Secretary or Legal Division regarding the correct spelling of the trade name.
- Be consistent in the use of the trade name and when completing future EE Reports.
- Trade name changes require the employer to notify the Department of Labour in writing, in order to avoid incurring a duplicate entry on the EE System. This also applies to online users.
- Requests for company name changes should be in writing on the company’s letter head. The letter should be signed by the CEO.

DTI Registration number

- Complete the correct DTI registration number.
- Check with your Company Secretary, Bookkeepers or Legal Division, alternatively, contact the Department of Trade and Industry telephonically at 0861 843 384 or email to: contactus@thedti.gov.za

PAYE/SARS number

- Complete the correct PAYE/SARS number.
- Check with your Finance Division, Bookkeepers or payroll office, alternatively, contact the South African Revenue Service telephonically at 0800 00 7277 or by email paye.cc@sars.gov.za
**UIF reference number**

- Complete the correct UIF reference number.
- Check with your Finance Division or payroll office, alternatively contact the Unemployment Insurance Fund telephonically at 086 713 3000/012 337-1680 or by email enquiries@uilf.gov.za

**EE reference number**

- Complete the correct EE reference number.
- Note that employers reporting for the first time will not have an EE reference number, and this will be generated by the EE System upon registration.
- All EE System generated correspondence will display the EE reference number on the top right hand side.
- Employers who have previously reported may check previous correspondence received from the EE Registry of the Department of Labour to obtain their EE reference number.
- Employers may also contact their nearest Provincial Office of the Department for assistance or the EE helpline 0860 101018.
- Employers may also consult the EE Public Register for the 2012 reporting period published in Government Gazette No. 36362 dated 15 April 2013.
- An online user requires an EE reference number to insert as a username on the logon page.

**Seta classification**

- Complete the correct Seta classification.
- SETA information may be viewed by online users via a drop down list and the relevant SETA must be selected.
- Employers completing reports manually may consult the SETA and industry/sector list on the DOL website [www.dhet.gov.za](http://www.dhet.gov.za).

**Industry/Sector**

- Complete the correct industry/sector classification.
- Industry/sector information may be viewed by online users via a drop down list and the relevant sector must be selected.
- Employers completing reports manually may consult schedule 4 at the back of the Employment Equity Act, Act 55 of 1998.

**Telephone number**

- Complete the telephone number of the employer.
Online users may update the telephone number of the employer if this has changed.

**Email address**
- Complete the e-mail address of the employee who has prepared the EE reporting form for submission.
- Online users may update the email address of the employer if this has changed.

**Postal address**
- Complete the postal address of the employer.
- Online users may update the postal address if this has changed.

**Physical address**
- Complete the postal address of the employer.
- Online users may update the postal address if this has changed.

**Details of CEO at the time of submitting this report**
- Complete the details of the CEO.
- Online users may update the information if this has changed.
- EE System generated correspondence is forwarded to the CEO and the EE assigned manager and the e-mail address should be updated as soon as changes occur by contacting the Department.

**Details of EE Senior Manager at the time of submitting this report**
- Complete the details of the EE Senior Manager.
- Online users may update the information if this has changed.
- EE System generated correspondence is forwarded to the CEO and the EE assigned manager and the email address should be updated as soon as changes occur.

**Date of submitting this report**
- The date of submission should not be earlier than the date when the CEO signed the report.
- Employers should complete the correct date which falls within the reporting period that runs from 1st September to a date in January which is determined by the Minister.
- For online users the submission date will be automatically generated when the form is successfully submitted.
Duration the report covers (EEA2 only)

- Employers with 150 or more employees should have a report that covers a period of 12 months. The “from” date stated in the EEA2 should follow where the previous report ended.

- Employers with fewer than 150 employees should have a report that covers a period of 24 months.

- Employers who report for the first time may have a report that covers a period less than twelve months, in the case of large employers, or less than twenty four months in the case of small employers.

Duration of current EE plan (EEA2 only)

- The EE plan should not be less than one year or more than 5 years.

- The “from” date in the EEA2 should reflect the start date of the EE plan and should remain constant for the duration of the EE Plan.

- The reporting date in the EEA2 should reflect the end date of the EE Plan and should remain constant for the duration of the plan.

- The above dates may change if the employer has introduced a new EE Plan, either because the duration has lapsed or because business imperatives require a full review of its EE plan.