

Standard Operating Procedure (SOP): Implementation of Employment Equity at UCT During Recruitment and Selection

(Annexure to UCT Recruitment and Selection Policies and Procedures)

1. Introduction

This Standard Operating Procedure (SOP) replaces the previous Guidance Note and will be updated periodically in response to internal changes at UCT, new legislation, and revised codes of good practice issued by the Department of Employment and Labour.

Key updates include:

- Removal of the “standard vs open mandate” requirement to reduce the frequency of re-advertising vacancies.
 - Increased accountability of leadership in managing employment equity within their areas.
 - Provided that at least 50% of selection committee members (including the chair) have completed the course Fundamentals in Employment Equity, selection committees will not be required to have an Employment Equity Representative as a member. It is recommended that the training is completed every five(5) years to ensure that members of selection committees stay abreast with any possible changes as a result of legislative reforms and case law.
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1.1 Legal Framework

This SOP must be read in conjunction with the following:

- The Constitution of the Republic of South Africa (Act 108 of 1996)
 - The Employment Equity Act (EEA), including all amendments and Codes of Good Practice
 - Employment Equity Regulations, 2025
 - The Labour Relations Act (LRA), Act 66 of 1995, as amended
 - UCT’s Employment Equity Policy
 - Other relevant legislation, policies, and case law
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2. Purpose

To provide guidance to selection committees on implementing UCT's Employment Equity Plan during recruitment and selection, in line with the University's policies. This SOP should be read in conjunction with the UCT Employment Equity Policy.

3. Applicability

This SOP applies to all permanent and fixed-term contract appointments read with other relevant policies. Fixed term contracts appointment above a year must align with EE targets if not recruited through the formal recruitment and selection process. Note: The EEA requires reporting on staff employed on permanent and temporary contracts for 3 months or more. This data informs target setting and reporting to the Department of Employment and Labour.

The Employment Equity Act requires the university to monitor staff appointments against specified "occupational levels". UCT equivalents are provided in the table below.

Department of Employment and Labour Occupational Level	UCT equivalent
Top Management	Vice-Chancellor PC13, Pay Grade 1
Senior Management	PC13, Pay Grades 2-3
Professionally Qualified and Mid-Management	PASS staff: PC12; PC13, Pay Grades 4-5
	Academic staff: Associate Professor and Professor
Skilled technical and academically qualified	PASS staff: PC8-11
	Academic staff: Lecturer and Senior Lecturer
Semi-skilled	PASS staff: PC 3-7
Unskilled	PASS staff: PC 1-2

4. Accountability

UCT's Employment Equity Plan aims to promote equitable representation in staff appointments and career progression by setting targets based on expected vacancies and retirements (natural attrition). These targets are developed in consultation with faculty and departmental leadership, who are grouped into 14 clusters for planning and reporting purposes. Unions are involved in the consultation process and form part of the Employment Equity Forum.

Responsibilities:

- **Members of the LLG** : Accountable for meeting EE targets and explaining justifiable deviations.

- **Vice-Chancellor:** Accountable for Senior Management (PC13 levels 2-3), with support from the EE Committee.

Transformation which includes the implementation of employment equity are monitored through revised KPAs and the Development Dialogue process. Progress on the attainment of the annual EE plan is reported annually to the Department of Employment and Labour as per legislative requirements.

5. Recruitment, Selection and Appointment Processes

All recruitment, selection and appointment processes must support the achievement of UCT's EE targets and affirmative action measures.

5.1 Identifying Targets

In line with the 2025 Regulations a designated employer must – (a) comply with the numerical targets set in terms of section 15A(3) for the economic sector in which they operate; A designated employer that has exceeded the numerical target set for a particular designated group at an occupational level should continue to set targets that maintain compliance with the EAP.

Designated employers must set numerical goals and annual EE targets at the semi-skilled and unskilled occupational levels in their EE Plans in terms of Section 20(2) of the EEA, taking into account the applicable EAP.

Before recruitment:

- The relevant Dean, Executive Director, or delegated authority must consult the Chairperson and EE Committee of the cluster to confirm the EE targets that are aligned to the sectoral targets.
- Prioritization should be based on the under-representation of designated groups using:
 - UCT's staff profile vs. sectoral targets followed by the
 - Western Cape's Economically Active Population (EAP)

A designated employer must avoid perpetuating the over representation of any group if their representation exceeds the applicable EAP in a particular occupational level. From the 2025 EE Regulations employers must consider the following:

- Avoid over-representation beyond EAP in a particular occupational level.
- Where sectoral targets are exceeded, the employer must then work towards the Western Cape EAP.

5.2 Advertising Positions

- **Internal Advertising** : UCT encourages internal advertising to promote career progression, as per clause 6.3.1 of the EE Policy and related policies.

5.3 Grading and Shortlisting

All applications received by the closing date must be reviewed. Applications are graded as follows:

- **A** – Meet all listed requirements as per the job advertisement.
- **B** – Designated group applicants who meet *some*¹ requirements and may be considered suitably qualified under Section 20(3)–(4) of the EEA.
- **C** – Non-designated group applicants who meet *some* requirements and remaining applicants will not be *considered for shortlisting*.

Grading must be transparent, consistent, and documented with justifications.

5.4 Shortlisting

Candidates graded A and B may be shortlisted simultaneously.

5.5 Selecting a Candidate

- Priority must be given to underrepresented designated groups, as identified in the EEA12 and EE Plan.
- If no suitable underrepresented designated group candidates are available, broader designated group candidates may be considered.
- Non-designated candidates may only be recommended when no suitably qualified candidate from the designated groups were deemed suitable to fill the position.
- When recommending a **foreign national** (not a permanent resident), the selection committee must ensure compliance with the Immigration Act and Employment Services Act, confirming no local candidate is suitably qualified.
- If a successful candidate does not align with EE targets, justification must be provided on the HR report and deviation register.

¹ Note: meaning of some requirements as per section 20 (3) and (4) of the Employment Equity Act: Section 20 (3) a person may be considered as suitably qualified for a position as a result of any one of, or any combination of, that person's- (a) formal qualifications, (b) prior learning, (c) relevant experience, and capacity to acquire within a reasonable time the ability to do the job.

6. Deviation from EE Targets

Deviations should be rare and must not undermine UCT's Employment Equity plan. All deviations must be compliant with the EEA and justified.

6.1 Acceptable Justifications for Deviation

- Insufficient recruitment opportunities.
- Insufficient promotion opportunities.
- Insufficient target individuals from designated groups with the relevant formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job, as contemplated by sections 20(3) to (5) of the Act;
- The impact of a CCMA awards / Court order.
- Transfer of business.
- Merger / Acquisition.
- Impact of economic conditions on the business.

Where a line manager/selection committee decides to deviate from the EE targets they must submit a motivation to the relevant approval authority who is not part of the selection committee. The motivation should include:

- Name of requestor
- Position and job description
- Justification for deviation and supporting evidence
- A comprehensive explanation of what can be done to avoid similar deviations in the future by providing actionable suggestions or improvements that can be implemented to prevent the need for deviations.

The Dean or ED must maintain records supporting the decision. HR and the EE Manager will track deviations in a register, reviewed quarterly by the EE Forum.

7. Dispute Resolution

Any disputes regarding EE implementation or application will follow the dispute resolution process outlined in UCT's Employment Equity Policy.

8. Workflow Diagram

Implementation of Employment Equity at UCT During Recruitment and Selection

Step-by-step Flow Diagram

Step 1

Vacancy identified / Before recruitment



Step 2

Confirm EE targets with Dean/ED and Cluster Chair + EE Committee. Use sectoral numerical targets and EAP. Avoid over-representation beyond EAP and identify priority designated groups.



Step 3

Advertise position (prioritise internal advertising; external if needed).



Step 4

By closing date: review all applications and grade:
A = Meets all requirements;
B = Designated group—suitably qualified per EEA s20(3)–(4);
C = Others / do not meet.
Document grading + reasons.



Shortlist A and B candidates.



Step 5

Interview & assess (verify qualifications/experience as needed).



Is the preferred candidate from an under-represented designated group?

↓ **YES**

If YES: Recommend appointment.

↓ NO

If NO: Consider broader designated groups.

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Is there a suitably qualified candidate from broader designated groups?

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If not, is there any suitably qualified candidate?

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If recommended candidate does not align with EE targets: prepare deviation motivation (with justification, evidence, and prevention steps).

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Dean/ED retains records. HR & EE Manager record deviation in register

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Complete HR report. Ensure compliance with Immigration Act & Employment Services Act (where applicable). Issue offer and onboard.

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If a dispute arises, follow the dispute resolution process in the EE Policy.