

**UPHOLDING THE CONSTITUTION: PROMOTING AND EMBEDDING THE CONSTITUTIONAL VALUES AND PRINCIPLES**



**1 Introduction**

The Interim Constitution of 1993 envisaged a Public Service that would provide effective public administration that was fair and respected equity, promoted efficiency, was broadly representative, impartial and unbiased[[1]](#footnote-1). Furthermore, the then Government of National Unity had the vision “*to continually improve the lives of the people of South Africa through a transformed Public Service which is representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all[[2]](#footnote-2)”.* This was to be realised through *“the creation of a people centred and people driven Public Service characterised by equity, equality, timeousness and a strong code of ethics[[3]](#footnote-3)”.* This pre-occupation with fairness, equity and removal of bias, must be viewed against the previous context in which the Public Service had been expressly charged to value some people more than others during apartheid. In this new context effectiveness is also highlighted because in the previous absence of a common patriotism, the will to see real impact and making a difference for all through shared resources, had been absent.

The current work of the PSC on Constitutional Values and Principles adds value to other work that has been undertaken in the new dispensation through, for example, the White Paper on the Transformation of Public Service, Batho Pele, the White Paper on Affirmative Action in the Public Service, and so on. This work of the PSC must thus be seen as a way to consolidate and mainstream good practice on values and principles in the Public Service, taking South African professional practice in the public service beyond mere institutional transformation of challenges emanating from the old order. Through this work the PSC seeks to ensure that all sectors of government have a mechanism to continuously instill and sustain good professional culture in the public service.

**2. Fundamental constitutional values**

The Constitution of 1996, in its preamble, outlines the fundamental values on which government should build such a transformed public service. These values include **human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism, supremacy of the Constitution and the rule of law, democracy, social justice and equity and respect.** How do these relate to the duties of government officials? If we talk about **human dignity**, it means that every public servant should take care that they show morality and humanity towards both fellow public servants, stakeholders and the citizens they serve. The constitutional court recognised the importance of “Ubuntu” in restoring human dignity of all and as a contributing factor in rebuilding a transformed and just country[[4]](#footnote-4).

This should happen against the background of acknowledging and promoting the **freedoms** listed in the Bill of Rights. Without these freedoms, human dignity will be little more than an abstract concept.

To ensure **social justice and equity,** public servants need to be mindful of those previously disadvantaged by apartheid in South Africa while also ensuring unbiasedness at the same time. This is also about fairer distribution of resources, ensuring social inclusion and ensuring equal access to public services.

Upholding the value of **respect** will promote social cohesion and nation building. Public servants are required to respect citizens as humans and should put them first. Human behavior that is intolerant of one another and which lead to people not being treated with dignity, hampers South Africa’s hard earned democracy. For public servants, this is a fundamental value in their relationship towards fellow public servants and the citizenry. It also forms the basis of good governance and the creation of a healthy, stable society. For this to happen, it should also be endorsed by the public.

These **constitutional values** outlined above, **provide a foundation on which to build a values-driven Public Service within the South African society**. Section 195 of the Constitution provides for these values and the principles governing public administration[[5]](#footnote-5). The **importance of the values and principles in the Public Service is two-fold**: they provide the **basis of the Public Service’s existence** and **inform various stakeholders of what to expect from government**. Building a strong culture of ethical and values-driven leadership of the Public Service is critical to fighting corruption, greed, impunity and selfishness. Our conflict-driven past enjoined us to emphasise principles of transparency, accountability, fairness, responsiveness and the provision of services impartially, fairly, equitably and without bias.

**3. Constitutional principles**

Section 195 of the Constitution further states that the democratic values and principles governing public administration must include the following **principles**:

1. A high standard of **professional ethics**;
2. **efficient, economic and effective use of resources**;
3. a **development-oriented public administration**;
4. **provision of services** in an **impartial, fair and equitable** way, **without bias**;
5. **responding to people’s needs** and **encouraging the public to participate** in policy making;
6. **accountable public administration**;
7. fostering **transparency**;
8. the cultivation of **good human resource management and career development practices**; and
9. a **representative public administration** with employment and personnel management practices based on ability, objectivity, fairness and the need to address the imbalances of the past.

Good governance, when broken down into its constituent elements, has a core that is value-laden and the **principles enshrined in section 195(1) guide public administration.** The **synergy and relationship between the principles in section 195 (1) and the fundamental values of the Constitution are often overlooked**, yet they represent the building blocks for the capable, developmental state envisioned in the National Development Plan (NDP). For example, an analysis of the principles of section 195(1) will reveal the nexus to a number of rights in the Bill of Rights such as the right of access to information which is linked to the principle of transparency. Basic rights such as the right to equality, the right to freedom and security of the person, the right to just administrative action and the right to dignity can also be linked to the principles on provision of services in an impartial, fair and equitable way, without bias; and responding to people’s needs[[6]](#footnote-6).

It is important to note that it would be **futile to develop complex governance systems and processes when the foundational values underpinning it have not taken root**. Therefore, in order to uphold the principles enshrined in section 195(1), one has to take a deeper look at the aspirations and transformative nature of the Constitution. The fundamental values enshrined in the Constitution are the guide to reach that aspiration. The values articulated in the Constitution provides an objective, normative (value) system to which all South Africans must adhere and by which all South Africans must live. Above all, the Constitutional values and principles indicate the type of public administration that South Africans aspire to have. Furthermore it begins to define, beyond meritocracy, the nature of a South African public servant who will not only embrace the values and principles, but execute his/her daily duties accordingly.

What follows is a discussion of the nine constitutional principles on public administration listed above. It is important to note **the complementary nature and the relationship between these principles.** For example, that the public service should be development oriented, cannot be realised without a consideration of the principle of the efficient, economic and effective use of resources, and that value for money should underpin all efforts to realise development orientation. Likewise, the value of accountability rests on transparency and an appreciation of efficiency, effectiveness and economy in the handling of public finances with respect to financial accountability, whilst responding to peoples’ needs would require public servants to deliver services impartially, fairly, equitably and without bias.

***(a) A high standard of professional ethics must be promoted and maintained***

Ethics are about character, conduct and morals of human beings. They distinguish between what is good or bad and go beyond self-interest. Public servants are key change agents and their conduct during performance of their duties, interaction with members of the public and management of state resources, is critical. Professional ethics are also guarded by professional bodies which seek to advance this Constitutional principle.

***(b) The promotion of efficient, economic and effective use of resources***

Government departments are entrusted with tax payers’ money to deliver services and they must ensure that funds are used specifically for the purposes they are voted for and within the provided prescripts. This principle must be promoted and upheld to avoid the risk of public funds being diverted away from the priorities of government, thus compromising the impact on the lives of citizens.

Efficient and effective use of resources contributes to improved service delivery and improving people’s lives (providing quality education, better health services, and improving access to services). It emphasises the provision of services that are of an acceptable level and quality, not costing too much and reflects the needs and priorities of citizens and the wider community.

The three concepts can be explained as:

***Efficiency*** is about doing more with less. – maximising outputs such as human, natural, or financial resources and maintaining or improving quality. It relates to the cost of a service compared to eventual service delivered. It is not only a measurement of expenditure against budget, but also of whether departments deliver on their initial goals and objectives. It aims at improving the ratio of outputs to unit cost of inputs, which means either a reduction in input cost while maintaining the same level of service or quality of products, or being able to produce additional outputs with the same inputs.

***Effectiveness***refers to how well the output and outcome objectives of the department or programme are achieved and to what extent the outputs produce the desired outcomes. It is linked to core public administrative reforms to reduce public expenditure, improve policy responsiveness and implementation, improve service delivery, build public confidence and improve the image of government as employer.

***Economy*** is about procuring inputs at the best price and using it without wastage.

It must be realised that all these elements (efficiency, effectiveness, and economy) must be translated appropriately also for departments that invest in culture and quality of life of citizens (e.g. Arts and Culture; Education; Social Development). Not all inputs and outputs are tangible; but mechanisms to attest to the difference that was made must be created.

***(c) Public administration must be development-oriented***

The thrust of development orientation stems from the “*better life for all”* vision. The government of South Africa is obliged to ensure that all citizens benefit equally from its growth and development initiatives. In efforts to reduce the socio-economic inequalities and fulfil expectations from previously disadvantaged citizens, government committed itself to rapid socio-economic development by placing the alleviation of poverty, inequality and unemployment at the centre of its developmental agenda. In the case of public administration development orientation refers to capacitated public administration institutions which can maintain an effective administration design and implement development programmes. Another important dimension of development orientation is the mobilisation of all societal stakeholders behind the development agenda. This includes on the one hand partnerships with the private sector and on the other hand placing development in the hands of communities so that they take the initiative for their own development. It includes the need to promote patriotism and general benevolence amongst stakeholders from the private sector and communities.

***(d) Services must be provided impartially, fairly, equitably and without bias***

The values of human dignity, equality and advancement of human rights are behind the principle that requires public services to be provided impartially, fairly, equitably and without bias. This principle has a number of presuppositions which include elements of the fairness of the procedure applied in the delivery of services, and that where services require pre-application such should be subjected to the same fairness and impartiality, especially fairness in respect of quality of services. It requires that services are complying to standards of quality and quantity standard and without undue preferential treatment and discrimination of any form and kind.

***(e) People’s needs must be responded to and Public Participation must be encouraged***

Government’s key objective is to provide a better life for all. This can be achieved through responding to people’s needs. People’s needs refer to government services which are further entrenched in the (Bill of Rights) and therefore should be treated as rights, not privileges.

Public participation should become an integral part of service delivery in the Public Service. The Public Service needs to work pro-actively with the citizenry to ensure that the voices of the widest possible public are heard and considered during the delivery of services. We should not only perceive citizens as consumers or beneficiaries of government services, but as active role players in determining which services are to be delivered and how such services should be delivered. As such planning formats must allow for the voice of citizens to translate into public service programmes. Involvement of communities in decision-making enables them to own the process, creates the necessary buy-in and credibility, and lends legitimacy to decision-making.

***(f) Accountability***

The Constitution, in its preamble, states that there is a need for “a system of democratic government to ensure accountability, responsiveness and openness”. The public service should be a servant of the people, accessible, transparent and capable of providing excellent quality service. Accountability refers to the obligation of public servants or an institution to account for their or its activities, provide information about decisions and actions, explain and justify decisions as well as exercise of discretion, accept responsibility for these, to disclose the results in a transparent manner, be answerable for their actions, and most importantly that there are consequences when duties and commitments are not met. It also includes the responsibility for financial, human and physical resources utilised by that individual or institution in pursuit of his/her or its objectives.

It covers both external accountability which requires that the relationship with the public is transparent, consultative, participative and democratic, and internal accountability which refers to accountability in terms of the reporting lines in an organisation.

***(g) Transparency***

This value lays the foundation for a democratic and open society in which government is based on the will of the people and where every citizen is equally protected by law. At the heart of this principle is ensuring the citizens of the country have access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights (PAIA). A complementary requirement to PAIA in promoting transparency is PAJA which requires the provision of reasons for administrative actions (two sides of the coin). A public body is not necessarily transparent when it is effective and fast in answering requests for information from the public, but when it is providing substantial information without the public requesting such.

***(h) Good human resource management and development practices***

The success of the public service depends on its capabilities to maintain a sound administration, deliver services to citizens and design and implement development programmes. These capabilities in turn depend on the skills, performance, integrity and motivation of the public service personnel corps.

Best personnel administration practices, suited to the South African context, need to be pursued. These include recruitment, career management, performance management and continuous professional development. In evaluating the effectiveness of personnel practices important considerations are firstly the purpose of the practice, but also compliance with all personnel administration prescripts and labour agreements.

In committing him/herself to a career in the Public Service, a public servant is bound by the democratic nature of the state and the values that underpin it

In addition, an institutional system must be created that nurtures and manages the public servant to enable him to serve his country, contribute meaningfully to the betterment of the lives of his fellow citizens, be innovative in the development of new approaches to public administration and other technologies, and have a productive and fulfilling work life.

***(i) A representative public administration***

One of the priorities of the democratic government was to establish a credible and legitimate Public Service that was free from employment inequalities and representative of the people of the country. This value requires *objectivity, fairness and the need to redress the imbalances of the past to achieve a broader representation”*

The White Paper on the Transformation of the Public Service (WPTPS) defines Affirmative Action as laws, programmes or activities designed to redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, colour, gender or disability in the workplace[[7]](#footnote-7). Affirmative Action can therefore be seen as a means to ensure representativeness and equality in employment. It would also mean that specific provision is made to accommodate people with disabilities.

It would be important to ensure that the transformation of public administration practice reflects our unique needs, aspirations and societal conditions and that it is designed for our specific context. The public service should therefore reflect – be representative of – society in all its richness. This includes considerations of official language, organisational culture, symbols, how we treat vulnerable groups in society and deal with any form of discrimination.

## **4. PSC’S mandate to promote compliance with the CVPs**

Section 196 of the Constitution provides for the establishment of a single Public Service Commission (PSC) as an independent and an impartial body that must exercise its powers and functions without fear, favour and prejudice. The PSC is mandated in terms of Section 196(4)(a) and (e) of the Constitution, (amongst others) to:

* promote the values and principles set out in section 195 throughout the Public Service.
* report in respect of its activities and the performance of its functions, including any finding it may make and directions and advise it may give, and to provide an evaluation of the extent to which the values and principles set out in section 195 are complied with.

Parliament further resolved that:

1. The PSC reports on the implementation of Section 195(1) of the Constitution on the administration of all spheres of government, organs of state and public enterprises in South Africa on an annual basis.
2. The PSC report be contained in the annual report of the entity that the PSC is reporting on every year. This will allow users of the PSC reports to match the governance of their administration with the performance of the administration for the same period of time. Over time, the style of reporting will allow greater comparability, monitoring, evaluation and oversight of the progress any particular government entity makes in implementing Section 195(1) of the Constitution.

The Public Administration Management Act (PAMA) (2014) also emphasises the need to promote and give effect to the values and principles in section 195 of the Constitution.

PAMA further articulates the role of the National School of Governance (NSG) in ensuring that the values and principles are indeed progressively realised and the quality, extent and impact of the development of human resource capacity in institutions are enhanced through education and training[[8]](#footnote-8).

The PSC is continuously reviewing its methodologies and products within the above-mentioned mandate. It has embarked on this project to define the principles, spell out the scope and content of each value, and propose indicators that will be used to evaluate the performance of the public service against each of the values. A copy of the document spelling out the dimensions and indicators has been circulated.

It needs to be noted that the PSC is following a consultative and developmental approach in developing its assessment tool – comments on the indicators are therefore welcomed. It is hoped that this engagement will inform subsequent tools and mechanisms for further activities around the values and principles that the PSC intends to embark on and which will enable the PSC to carry out the provision in section 196(4)(e) of the Constitution as mentioned above.

**5. Processes the PSC is following to promote the CVPs**

The PSC has embarked on the following processes in the roll-out of the project:

* Engagement with stakeholders (MPSA, EAs, HoDs, G&A cluster, PCs) – these engagements will provide information about the PSC’s work around the values and principles, but also be used to promote the values and principles. The promotional activities will be further rolled-out to the rest of the public service. Financial resources permitting, it is foreseen that it will take the same form as the *Batho Pele* campaign.
* Consultation on assessment tool (Roundtable with key stakeholders such as DPME, DPSA, National Treasury, academics, organisations such as the Human Rights Commission, requesting comments from other stakeholders)
* Assessment of departments (national and provincial). The PSC will first pilot the assessment instrument and then roll-out to the rest of the public service.
* Reporting on compliance of the Public Service with the constitutional principles. This will entail reporting to Parliament/relative Legislature and/or relevant Portfolio Committees (PCs).

**6. Request for inputs on the PSC indicators under each principle**

The PSC would welcome any input (even on alternative indicators) on its proposed list of indicators to be used in its assessment tool. The PSC has developed an extensive list of indicators (attached as Tag A) but has decided to focus on a limited number (indicated in blue) during its planned pilot assessments. You are welcome to forward your inputs to Ms Makholo Kgoahla, Chief Director: Service Delivery and Compliance Evaluation of my Office at [Makholok@opsc.gov.za](mailto:Makholok@opsc.gov.za). She can also be contacted at (012) 352 1002/1205 or 082 734 9650.

**7. Conclusion**

The constitutional values and principles indicate the type of public administration that South Africans aspire to have. They define, beyond meritocracy, the nature of a South African public servant who will not only embrace the values and principles, but live according to them in executing his/her duties. It is our duty to ensure that every public servant is aware of the link between his/her attitude, conduct and the need to embrace the values and principles articulated in the Constitution in their daily tasks.

**Dimensions (scope and content) and Indicators of the nine constitu-tional principles in Section 195 (1)**

1. ***A High Standard of Professional Ethics must be Promoted and Maintained***

|  |  |
| --- | --- |
| Dimension | Indicator |
| Promoting ethical conduct | * A system of routine observation, feedback and discussion of ethical issues and behavior within the workplace |
|  | * Observance of behavior of public servants in frontline offices |
|  | * % of officials involved in misconduct (financial and other) cases |
|  | * Number and cost of financial misconduct cases |
|  | * Number, average duration and cost of precautionary suspensions as a result of alleged corruption |
|  | * Requirements around professional ethics built into adverts |
|  |  |
| Strengthening mechanisms to support integrity | * % of NACH cases finalized/closed in a particular financial year |
|  | * Amount of money recovered in financial misconduct cases |
|  | * % of discipline cases dealt with within 60 days |
|  | * % of new appointees involved in induction training on professional ethics |
|  | * % of officials involved in awareness programmes/workshops on professional ethics |
|  | * % of staff qualifications verified |
|  | * % of prospective officials vetted by the State Security Agency |
|  | * % of SMS financial disclosure forms submitted by 31 May of each year |
|  | * % of potential conflicts of interest appropriately dealt with |
|  | * Sufficient capacity is available to investigate cases of misconduct (MACC) |
|  | * Zero tolerance for whistle-blower intimidation/victimisation |
| Enhancing an ethical culture | * Officials’ perceptions on the department’s status in terms of professional ethics are obtained once a year |
|  | * Feedback is provided to officials on the outcome of an ethics survey/other mechanism monitoring adherence to the integrity system |
|  | * Mechanisms to guide officials when they are faced with ethical dilemmas are implemented (e g best pactices/case studies) |
|  | * Awareness is raised amongst citizens about their responsibility to support professional ethics in government (not to offer bribes, force officials to enter into unethical behaviour). |

1. **The Efficient, Effective and Economical Use of Resources must be Promoted**

| Dimension | Indicator |
| --- | --- |
| Input | * Timeousness of procurement |
|  | * Time it takes to fill a post |
|  | * Post provisioning norms |
|  | * Value for money of procurement |
| Processes (and systems) | * Process time measures are developed |
|  | * Good process controls are in place |
|  | * Unit performance management well-institutionalised |
|  | * Payment of invoices within 30 days |
| Outputs | * There are no audit findings on predetermined objectives |
|  | * Department’s service standards are achieved |
| Outcomes | * Outcomes achieved |
|  | * Programme evaluation conducted |
| *Ratios between the above dimensions* | * Predetermined objectives achieved vs expenditure against budget |
|  | * *Cost-benefit (costing of options/delivery models/service levels, financial modeling, expenditure reviews)* |

1. ***Public Administration must be Development Oriented***

| Dimension | Indicator |
| --- | --- |
| Achieving development outcomes | * Development objectives are achieved |
| Institutional capacity to support development outcomes (capabilities) | * The Department possesses key capabilities |

1. ***Services must be Provided Impartially, Fairly, Equitably and without Bias***

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| --- | --- |
| Dimension | Indicator |
| Equity | * Eligibility criteria and other considerations for the targeting of services are clear and equitable. |
|  | * Evidence of basis for resource allocation based on equity considerations |
|  | * Equity is measured along different dimensions: * Disability * Age * Gender * Geographic area * Per capita income * Income group |
| Administrative decisions are procedurally fair | * Compliance with PAJA |

1. ***People’s Needs must be Responded to, and the Public must be Encouraged to Participate in Policy Making***

| Dimension | Indicator |
| --- | --- |
| Capacity to facilitate public participation process(es) is created | * Structures (including committees), systems and, processes developed to facilitate public participation |
|  | * Policies and/or guidelines on public participation have been developed |
| People’s needs are responded to | * Needs have been assessed |
|  | * Service delivery is addressing citizens’ needs |
|  | * Rational targeting of services to beneficiaries |
|  | * Rational eligibility criteria |
| Public participation processes are implemented | * An appropriate public participation mechanism was used (public hearing/ citizen forum/CDWs, etc.) |
|  | * Public participation includes a broad spectrum of public interests |
|  | * Content of public participation covers policies, plans, and service delivery models (including implementation, quality and level of services) |
|  | * Processes to encourage the public to actively participate are effective |
|  | * Processes are in place to deliberate on citizens’ inputs (whether to change policies/models) |
|  | * Evidence of outcome of public participation efforts (number of policies, processes, systems changed as a result of the implementation of public participation mechanisms) |
|  | * Evidence of mechanisms to provide citizens with feedback on the outcome of the public participation processes |
|  | * Evidence of efforts to implement the Batho Pele principles of consultation and redress (complaints system/Presidential Hotline) |

### ***Public Administration must be Accountable***

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| --- | --- |
| Dimension | Indicator |
| Institutional accountability | * Filing of HoD’s Peformance Agreements (PAs) according to guidelines |
|  | * Evaluation of HoDs according to guidelines |
|  | * All staff members are held accountable through individual performance assessments |
|  | * Poor performance is appropriately dealt with |
|  | * An effective performance management system is in place at unit level. |
|  | * A monitoring and evaluation system measuring performance of departmental programmes is in operation |
|  | * The AG has issued an unqualified audit opinion |
|  | * Quality of Departmental Annual Report (DAR) |
| Governance and accountability structures | * Governance structures are in place and are effective |
|  | * Alignment of responsibility, authority and accountability |
| External accountability | * Mechanisms for citizens to hold public officials accountable at the level at which services are provided are in place and are effective |
|  | * An Annual Report to Citizens (ARC) is published |

1. ***Transparency must be Fostered by Providing the Public with Timely, Accessible and Accurate Information***

| Dimension | Indicator |
| --- | --- |
| Making information available to the public (without request) | * Department complies with requirements to provide information (e.g. Departmental Annual Report (DAR), and the Annual Report to Citizens (ARC). This includes adherence to PAIA |
|  | * Information on services of the department   + Nature, type and extent of services offered by the department   + Eligibility for services. Intended beneficiaries defined   + When, where and how services can be accesses as stipulated   + How to apply for services |
|  | * Information allowing public scrutiny of the affairs of the department forms part of published information that is accessible without a special request. This includes:   + Considerations justifying policy   + Service delivery standards set and attained   + Reasons for not rendering a service   + Evaluations   + Corruption investigations   + Value for money   + No outstanding replies to Parliamentary/Legislature questions   + Cost-benefit analysis   + Spending on subsistence and travel   + Service delivery in comparison to needs   + Level and quality of service   + Impact |
|  | * Evidence for adherence to the Batho Pele principle of Information (timely provision of accurate, reliable and appropriate information) and Openness and Transparency |
|  | * The department annually submits, to the Department of Justice & Constitutional Development, a Section 15 notice on the categories of records automatically available without a person having to request access as required by PAIA. |
|  | * The department has a manual in place containing the department’s functions and an index of records held by the department that complies with the requirements of PAIA. |
| Providing information on request | * Requests for access to information dealt with within the 30 day timeframe (from receipt). |
|  | * The department annually submits, on time, a Section 32 report in respect of the number of requests received, granted, and refused to the Human Rights Commission. |

### ***Good Human Resource Management and Career Development Practices, to Maximise Human Potential, must be Cultivated***

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| --- | --- |
| Dimension | Indicator |
| Assessment of human resource requirements | * The department possesses and maintains key capabilities |
| Implementation of Human Resource Practices | * HR plan that addresses strategic needs is in place |
|  | * HR plan aligned with goals and objectives in strategic plan and APP |
|  | * % of vacant posts filled within set timeframe |
|  | * Evidence of adherence to prescripts/targets ito all practices e.g. recruitment and selection, basic conditions of service, performance management, labour relations) |
|  | * Evidence that training is contributing to the acquisition of desired competencies/achievement of objectives/plans |
|  | * Grievances are finalised within prescribed 30 days |
|  | * Bi-annual report on the resolution of grievances submitted to PSC |
|  | * % of misconduct cases finalised within 60 day timeframe. |

1. ***Public Administration must be Broadly Representative of the South African People***

| Dimension | Indicator |
| --- | --- |
| Representativeness profile | * % blacks at SMS level |
|  | * % women at SMS level |
|  | * % of employees with disabilities |
| Putting affirmative action measures in place | * An employment equity policy and plan for the department are in place and are implemented |
|  | * Job Access Implementation Plan and Guidelines for People with Disabilities are implemented |
|  | * The Eight Women Empowerment Principles are applied in the department’s action plan towards gender equality |

1. Republic of South Africa. Interim Constitution of the Republic of South Africa. Act 200 of 1993. [↑](#footnote-ref-1)
2. Republic of South Africa. White Paper on the Transformation of the Public Service. 1995. [↑](#footnote-ref-2)
3. Republic of South Africa. White Paper on Reconstruction and Development Programme. 1994. [↑](#footnote-ref-3)
4. In AZAPO vs TRC, 1996 4 671 (CC). [↑](#footnote-ref-4)
5. Republic of South Africa. The Constitution of the Republic of South Africa. Act 108 of 1996. [↑](#footnote-ref-5)
6. Republic of South Africa. Department of Justice and Constitutional Development. The Promotion of Administrative Justice Act (PAJA). 2000. [↑](#footnote-ref-6)
7. Republic of South Africa. Department of Public Service and Administration. White Paper on the Transformation of the Public Service. 1995. [↑](#footnote-ref-7)
8. Republic of South Africa. The Presidency. Public Administration Management Act. Act 11 of 2014. [↑](#footnote-ref-8)