

**Amendment of section 42 of Act 55 of 1998, as substituted by section 16 of Act 47 of 2013**

11. Section 42 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (a) of the following paragraph:

“(aA) whether or not the employer has complied with any sectoral target set in terms of section 15A applicable to that employer;” 5

**Amendment of section 53 of Act 55 of 1998, as amended by section 20 of Act 47 of 2013**

12. Section 53 of the principal Act is hereby amended by the addition of the following subsection: 10

“(6) The Minister may only issue a certificate in terms of subsection (2) if the Minister is satisfied that—

- (a) the employer has complied with a numerical target set in terms of section 15A that applies to that employer; 15
- (b) in respect of any target with which the employer has not complied, the employer has raised a reasonable ground to justify its failure to comply, as contemplated by section 42(4);
- (c) the employer has submitted a report in terms of section 21;
- (d) there has been no finding by the CCMA or a court within the previous three years that the employer breached the prohibition on unfair discrimination in Chapter 2; and 20
- (e) the CCMA has not issued an award against the employer in the previous three years for failing to pay the minimum wage in terms of the National Minimum Wage Act, 2018 (Act No. 9 of 2018).” 20

**Repeal of section 64A of Act 55 of 1998** 25

13. Section 64A of the principal Act is hereby repealed.

**Repeal of Schedule 4 to Act 55 of 1998**

14. Schedule 4 to the principal Act is hereby repealed.

**Deletion of footnotes to Act 55 of 1998**

15. Footnotes 4 and 7 to the principal Act are hereby deleted. 30

**Short title and commencement**

16. This Act is called the Employment Equity Amendment Act, 2020, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

**XXX**