

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 7 MAY 2021**

**QUESTION NO.: 1114**

**Dr L A Schreiber (DA) to ask the Minister to ask the Minister of Public Service and Administration:**

(1) Whether he amended the Z83 application for employment form, as published in notice 627 of 2020 in the *Government Gazette* of 6 November 2020, to include a new racial category called Other to be listed alongside the existing categories of African, White, Coloured and Indian; if so,

(2) what is the legal definition (a) of the category called Other which does not exist in the Employment Equity Act, Act 55 of 1998, and (b) used by his department for the categories of (i) African, (ii) White, (iii) Coloured and (iv) Indian;

(3) Whether a person classified as other qualifies as a member of a designated group for the purposes of the Employment Equity Act, Act 58 of 1998, and broad-based black economic empowerment? **NW1301E**

**REPLY:**

(1) The Z83 application for employment form was amended extensive public consultations to address, among others, the issue of employees trying to escape disciplinary procedures and accountability by resigning when charges are proffered against them. The revisions empower the Public Service to give effect to section 16B (4) and (5) of the Public Service Act, 1994 which allows for employees to be disciplined for misconduct allegedly committed in their former department, when they are appointed in a new department. In addition other amendments included the race categorisation for ‘other’’.

(2) There is no legal definition accorded to the category of “other”. Under note 3 attached to the information of race as reflected in the Z83 form, it is indicated that the information is to enable the department to comply with the employment Equity Act, 1998. The information provided in respect of the race of applicants is therefore utilised to implement any affirmative action measures that a department may have.

 In terms of the Employment Equity Act, “designated groups” is defined to include South Africa citizens who are black people, women and people with disabilities. In the same Act, “black people” is defined to mean Africans, Coloured and Indians. In addition it is also recognised that there are applicants, such as foreign nationals, who do not fall within these definitions provided for in the Employment Equity Act and therefore the category of “other” was introduced.

(3) The Z83 form is for purposes of employment in the public service and does not address broad-based black economic empowerment prescripts. The intention of the Z83 form is to allow the ease of categorisation of persons for employment taking into account the Employment Equity Act. Therefore an applicant who reflects himself or herself within the category of “other” indicates that the applicants does not fall within the other categorisations as contemplated in the Employment Equity Act.