**RESPONSE TO THE PARLIAMENTARY QUESTION: 739. [Adv A de W Alberts (FF Plus)]**

739. [Adv A de W Alberts (FF Plus) to ask the Minister of Labour:

(1) Whether affirmative action is a policy exception of her department regarding the principle of equality in terms of the Constitution of the Republic of South Africa, 1996; if not,

(2) whether the programme of affirmative action is an integral policy indicator of the principle of equality that will never be abolished; if not, in what manner and on what legal principle the programme is a permanent aspect of South African society; if so, (a) in terms of which criteria and which time line will the programme be concluded, (b) what are the legal grounds on which her department depends and (c) what measures will she institute to oppose certain negative aspects of affirmative action (details furnished);

(3) whether she considers the creation of more posts based on economic growth more important than the replacement of blacks with whites in existing posts; if not, whether the replacement of whites by blacks addresses the unemployment problem in all existing posts; if so, what measures can the Government institute to accellerate economic growth;

(4) whether this is an objective of affirmative action given the fact that in many cases in both the Public Service and the private sector whites are instructed to train black workers to take over their posts; if not, what is the postion in this regard; if so, what are the relevant details? NW816E]

**MINISTER OF LABOUR REPLIES:**

1. In South Africa, though, not only did gender limit opportunities, but so too did

race. Aligning itself with our Constitution, which guarantees non-discrimination on the basis of race, gender, age, political opinion and religious beliefs, amongst other things, employment equity’s overarching aim is to ensure equal opportunity for all, and, in so doing, ensuring that the discriminatory approach and practices of the past aren’t continued or repeated in future. These ideals of non-discrimination and equal opportunity are encapsulated in the Employment Equity Act, No. 55 of 1998, and as further amended in the Employment Equity Amendment Act, No. 47 of 2013.

Affirmative action falls under the Employment Equity Act but, unlike employment equity which takes the long-term view, affirmative action can be described as a short-term labour policy which is aimed at redressing the inequalities of the past and, in so doing, achieving a transformed workplace which is representative of the greater South African population. In short, the Employment Equity Act provides a framework for implementing affirmative action.

(2)      Equality will always be an integral policy indicator with affirmative action being one of the key ingredients for its achievement, especially with the Equality Principle entrenched in our Constitution. Every policy is subject to periodic

Review, so is the Affirmative Action

(3)      None of the above

(4)      None of the above