

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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EMPLOYMENT EQUITY AMENDMENT BILL, 2024

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

LONG TITLE TO BE INSERTED

Amendment of section 1 of Act 55 of 1998

1. Section 1 of the Employment Equity Act, 1998 (hereinafter referred to as the "principal Act"), is hereby amended by the substitution of the definition of "employment law" for the following definition:

"employment law" means any provision of this Act of any of the following Acts—

- (a) The Unemployment Insurance Act, **[1966 (Act 30 of 1966)]** 2001 (Act 63 of 2001);
- (b) **[the Guidance and Placement Act, 1981 (Act 62 of 1981);**
- (c) **the Manpower Training Act, 1981 (Act 56 of 1981);]**
- (d) the Occupational Health and Safety Act, 1993 (Act 85 of 1993);
- (e) the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993);
- (f) the Labour Relations Act, 1995 (Act 66 of 1995);
- (g) the Basic Conditions of Employment Act, 1997 (Act 75 of 1997);
- (h) the Skills Development Act, 1998 (Act 97 of 1998);
- (i) the Employment Services Act, 2014 (Act 4 of 2014);
- (j) the National Minimum Wage Act, 2018 (Act 9 of 2018);
- (k) any other Act, whose administration has been assigned to the Minister;"

Amendment of section 10 of Act 55 of 1998

2. Section 10 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) If the dispute remains unresolved after conciliation-

(a) any party to the dispute may refer it to the Labour Court for adjudication;

(aA) an employee may refer the dispute to the CCMA for arbitration if-

(i) the employee alleges unfair discrimination on the grounds of **[sexual]** harassment; or

(ii) (ii) in any other case, that employee earns less than the amount stated in the determination made by the Minister in terms of section 6 (3) of the Basic Conditions of Employment Act; or

(b) any party to the dispute may refer it to the CCMA for arbitration if all the parties to the dispute consent to arbitration of the dispute.”

Amendment of section 55 of Act 55 of 1998

3. Section 55 of the principal Act is hereby amended by the addition after subsection (4) of the following subsection:

“(5) This provision does not prevent the referral of a dispute in terms of the provisions of this Act to a bargaining council –

(a) in terms of a collective agreement binding on the parties to the dispute; or

(b) if the council has been accredited under section 127 of the Labour Relations Act for conciliation or arbitration in respect of such a dispute.”