New citrus qualification for high school students launched

This year high schools across SA are offering a qualification in citrus production. By Jacomien de Klerk

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With the new school year now fully underway, the Citrus Growers' Association of Southern Africa (CGA) is delighted to announce that its citrus qualification is now in full swing in high schools nationwide.

Over 450 learners at 16 schools will be enrolled in the Citrus Secondary Programme in 2024. Pioneered by the Citrus Academy, a subsidiary of the CGA, the Citrus Secondary programme provides an opportunity for learners to achieve a recognised plant production qualification while at school. Offered by schools in citrus-producing regions, 16 schools will implement the programme, in Bonnievale and Riversdal in the Western Cape; Patensie, Kirkwood, and Fort Beaufort in the Eastern Cape; Umzimkulu in KwaZulu-Natal; Kakamas in the Northern Cape; and Hoedspruit, Namitwa, and Tzaneen in the Limpopo Province.

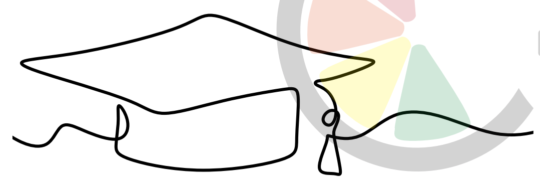
This educational opportunity is facilitated over two years and is aimed at Grade 10 and 11 learners, and the modules are timed to coincide with the citrus production cycle. Learners are introduced to topics such as enterprise planning, irrigation, financial management, pest management, and plant manipulation. The programme is fully curriculum-aligned and can be used as part of the school subject Agricultural Management Practices, or it can be implemented as an extramural activity through which learners can attain a valued qualification.

The qualification opens a path into an industry that can offer so many opportunities. It addresses an unfortunate challenge that many school-leavers face: having few marketable skills while not having access to tertiary education. The Citrus Secondary Programme also supports its goals to continue the transformation of the citrus industry and to create a whole new passionate generation of entrants into the sector.

Last year the programme was piloted in two schools in the Sunday's River Valley, as well as one in Humansdorp. "We've learned so much about how to make the programme work practically during the pilot phase, but what we also learned was that there is an immense interest in, and need for, this type of qualification. In one school registrations doubled as things progressed," says Theo Bezuidenhout, a Community Development Co-ordinator in the Sundays River Valley. "This is about creating a whole new system, bringing the local community along with us so that we can have a long-term effect on things like employment prospects."

The Citrus Academy will provide the programme content, assessment, and administration, utilising the Academy's e-learning platform. Through it, learners can also access supporting information, videos, and sound clips, and engage with interactive material.

The South African citrus industry exported 165.1 million (15 kg equivalent) cartons for delivery to global markets in 2023. It sustains 140 000 livelihoods at farm level and brings in over R30 billion a year in export revenue. Projections indicate the industry can grow by a further 100 000 jobs in the next eight years if all role-players work together to secure increased market access and improved logistics. The Citrus Secondary Programme has the potential to make a significant contribution to growing local skills pools to meet the demand for skilled workers.



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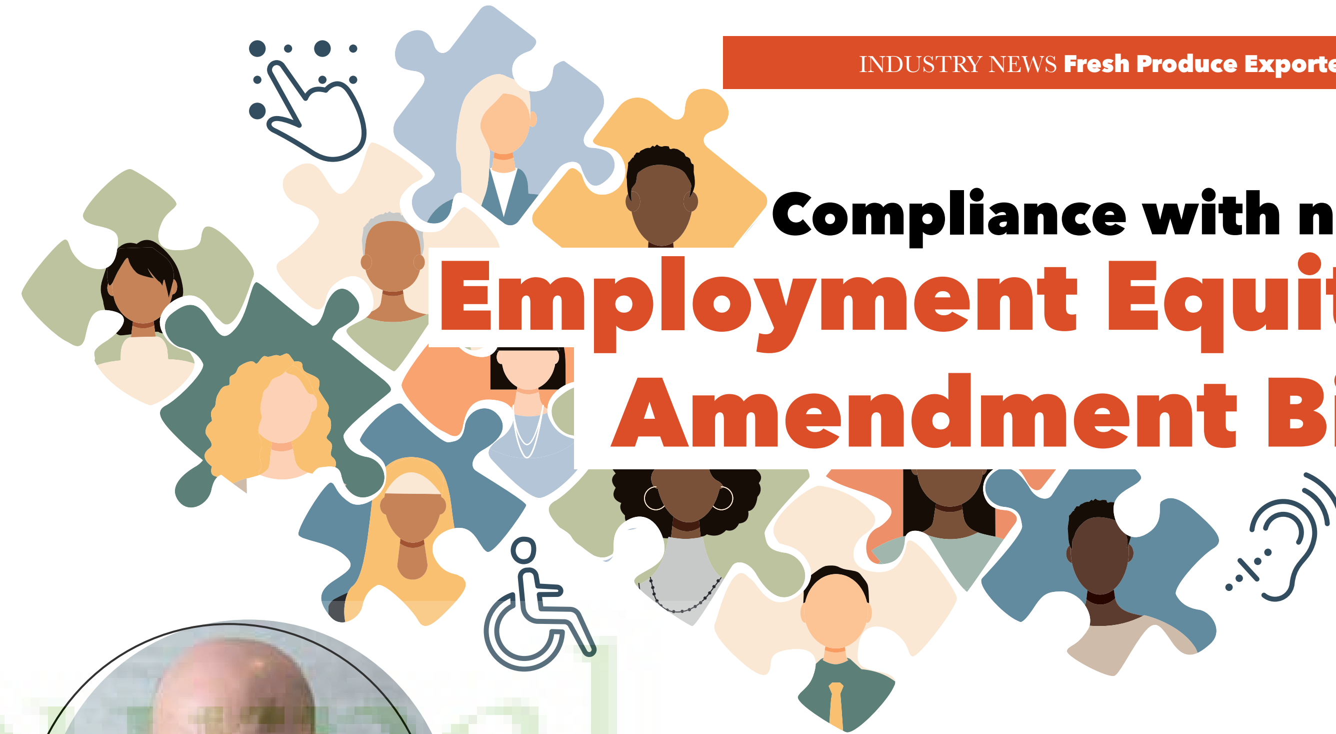

Compliance with new Employment Equity Amendment Bill

Speaker Jonathan Goldberg

The FPEF holds an annual transformation webinar with the aim of inspiring and equipping members towards proactive, effective transformation in their businesses. By Johannes Brand

At the annual FPEF transformation webinar held recently, labour law expert Jonathan Goldberg unpacked the implications for businesses of the new Employment Equity Amendment Bill. This article is a summarised transcript of his talk.

In this talk, I'm going to focus on employment equity (EE). But I will also touch on the BEE scorecard and transformation, and I will hopefully demystify some of this for you. The new Employment Equity Amendment Bill has been signed into law by the President, but with no implementation date yet. The slow progression of employment equity over the last 20 years sets the backdrop for the new sectoral EE targets. For example, 63% of top management positions are still filled by white people in SA and from 2001–2021, Africans in top management have only increased from 6–17%. Further to this, my concern for employers is that on an inspection of 812 employers, 94% of them were not compliant with the current EE Act. As an executive or owner of a business who must comply, that would worry me extensively.

As a leader in the negotiations that led to the EE Amendment Bill, I agree with most of the amendments, except for the composition of the sectoral targets in the legislation. Importantly, this is compliance legislation, contrary to B-BBEE where compliance is voluntary. As a qualifying employer, you have a legal obligation to prepare your EE analysis and submit your plan and returns. When you do have employment opportunities in your organisation, you have to try and fill them with underrepresented candidates – normally African, Coloured, or Indian. The contention around the sectoral targets specifically, has caused a lot of political debate. However, they will come into law and into force.

Alarmingly, 94% of companies sampled are effectively not compliant. If you don't submit a plan under the current act, you are liable for a fine amounting to the highest of either R1.5 million or 2% of your turnover. Similarly, if you have submitted a plan but you don't show progression and can't explain why you haven't appointed enough African, Coloured, or Indian people, you are also liable for the same fine.

Under the new Bill, there will be no self-targets, the targets will be set by the minister in consultation with the sectors. So, how do we comply? You can't dismiss white employees to appoint black employees (as defined by the codes) based on you wanting to comply with the legislation. Considering this, part of the challenge is around insufficient recruitment opportunities. In terms of one's strategy regarding compliance, think about your employment model. This is difficult for farming operations, but there is a range of options from direct employment, temporary employment, and independent contracting. Under the Amendment Bill, if you have less

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than 50 employees, you do not need to comply with chapter three of the EE Act. In other words, only designated employers with more than 50 employees must comply.

For designated employers under the new Act, you will need to reach the sectoral targets (including those for employees with disabilities) set by the minister over a five-year period ending in 2029. The definition of disabilities has expanded to include intellectual and sensory impairment such as smell, taste, and sound. Therefore, many of you may be impaired due to losing your sense of smell and taste because of COVID. However, remember that to label a person disabled, the disability must affect their ability within the job or their access to the job. The targets for disabled employees are going to be set at 2% of your workforce. I expect that more than 2% of your workforce is disabled based on the definition. However, the challenge is how you get your employees to disclose it without discriminating against them. I have compiled some guidelines as to how employers can encourage voluntary disclosure of disabilities but will not go through this in detail due to lack of time.

The EE Amendment Bill includes a clause regarding consultation with employees, stating that employers only need to consult with the majority trade union representing the employees. I think that the wording of the act in this regard is not clear and that if you have a current committee, you can continue consultation through that channel, regardless of whether you have a majority trade union representing your employees or not.

The big issue that has caused debate is the setting of sectoral targets by the minister. However, I can assure you that, irrespective of the set targets, if you follow the compliance guidelines outlined in this presentation, you will not get fined. Quotas are unconstitutional and the Department of Employment and Labour has said on record that these targets are aspirational goals. They're flexible and the flexibility is built into the regulations in terms of the declaration of justifiable reasons for not reaching targets. If you currently don't meet the new compliance targets, you'll have five years to 2029 to reach them and even then, you may have justifiable reasons for not meeting them such as insufficient recruitment and promotion opportunities, lack of suitably qualified people to appoint, a court order, mergers and acquisitions, transfer of businesses and major business interruptions such as a drought. If you can provide justifiable reasons for not meeting the targets, you will still be regarded as compliant. The issue here is record keeping, you must keep accurate records as to why you haven't appointed sufficient individuals from the designated groups.

The draft sectoral targets have been published in the *Government Gazette* and the deadline for commentary is 12 June 2024. Separate targets are set for top and senior management, professionally qualified/middle management, and skilled/junior management. However, the targets for semi- and unskilled workers are aligned with the demographics of the Economically Active Population (EAP). If a designated employer employs staff across more than one province, then the National Ministerial Targets regional targets can be applied by the entity.

In addition to fines, other consequences for non-compliance with the EE Act are not qualifying for public sector tenders, possible exclusion from Management Control B-BBEE points, possible exclusion from private sector procurement where businesses introduce this requirement, and JSE pressures. But, as I said, with proper record keeping everyone should be compliant.

Encouragingly, there is an opportunity to identify high-potential employees from designated groups and to provide guidance and mentorship to develop and promote them into more senior positions. We've had great success in promoting top performers. For example, I say to Mercedes-Benz – one of my clients with 3 000 employees – at least 30 people are working on the shop floor today, who can go all the way to senior management. You need to identify them, train, and develop them, and in five or six years they can fill very senior roles.

We've compiled a step-by-step guide for the implementation of a proper employment equity plan for you to consider at your workplace. If you need any assistance, please contact us at Global Business Solutions. Thank you.

About the speaker:
Jonathan Goldberg is the chairman of Global Business Solutions. He is an expert in labour law with more than 20 years' experience, and a sought-after speaker and consultant in this space. Goldberg is also a commissioner in the National Wage Commission, labour market convener at Nedlac for business, and a representative on the Employee Services Board.

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