



EES-SIYAKHA

Employment Equity Software & Consulting

The EE Amendment Act commencement date likely delayed



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The Employment Equity (EE) Amendment Act commencement date is likely to be delayed. The commencement date of the EE Amendment Act is yet to be fixed by the President by proclamation in the Government Gazette before it can come into effect, and further consultation will be required in terms of the proposed regional and sectoral targets. **Therefore, it is unlikely that the EE Amendment Act will come into force on 1 September 2023 as is intended by the DEL.**

Bowmans Corporate & Commercial Law firm is of the opinion that the consultation process undertaken by the Department of Employment and Labour (DEL) up to now has no legal standing and can only be restarted after certain requirements, as set out in the Amendment Act, have been fulfilled. Any attempts by the DEL to bypass these requirements will likely be challenged in Court.

In the meantime, companies with less than 50 employees are advised to continue to comply with the present provisions of the EE Act for the foreseeable future.

The DEL will continue to focus on EE Plan implementation compliance, measuring designated employers' progress with the achievement of their AA Goals and Targets against their EE Plans and taking non-compliant designated employers to the Labour Court with the aim of having them fined an estimated 2% of turnover.

If you have any questions or queries with regards to these developments or want to discuss how to ensure full compliance with the EE Act, please contact Chitola Mufalali at chitola@eess.co.za or call her on 060 822 5229, or visit our website www.ees.co.za.

Or you can attend [our Webinar Series](#) aimed at equipping you for these new EE challenges.