



Sun Valley
Group of Schools

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Sunbird
Pre-Primary School



Sun Valley
Primary School



Silvermine
Academy

Equity Policy

1. Background

1.1 Sun Valley Group of Schools has long been committed to the principle of equity as a factor in the appointment of staff.

1.2 Appointments have always been made on the basis of affirmative action. This is interpreted in terms of the following procedure:

1.3 Rate the applicants in terms of how they satisfy the criteria for the post, which are determined by the inherent requirements for the post. Then, all things being equal, consider the question of race and/or gender.

1.4 As a result of this, the staff of this school has changed its composition from being all-white in terms of government policy up to 1992. 'Race' in those years was interpreted as *white vs not white*, as the whole point was to move from being all-white.

1.5 Since late 2006, SVPS has been subject to the requirements of equity in terms of the Employment Equity Act of 1998 and the WCED's Equity Plan. In terms of this, the SGB is committed to making a contribution towards the achievement of equity in the WCED (which is actually the 'designated employer' referred to in the Equity Act, and not the school – which means that it is meant to reflect the demographics of the province, not each individual school).

1.6 It must be borne in mind, however, that equity is only one – albeit an important – factor to be considered in nominations for posts. There is an overriding principle that must also be taken into account, namely the following requirement of the Constitution of South Africa (which is the overriding guide for all decisions):

28 (2) A child's best interests are of paramount importance in every decision concerning the child.

1.7 The appointment of any educator is subject to this provision in the Constitution. The person who is appointed to a post at Sun Valley Primary must be someone who can promote the best interests of the child in terms their suitability for the post.

1.8 This is in lines with the Employment Equity Act, which states that the employer must 'determine whether that person has the ability to do the job' (s20(4)); that the person must be 'suitably qualified' (s20(3)); and, above all (s 6(2)), that 'It is not unfair discrimination to' [...] 'b. distinguish, exclude or prefer any person on the basis of an inherent requirement of a job'.

1.9 In determining our decisions, therefore, we must take into account the following:

The person must have 'the ability to do the job' – ie. to be able to fulfil 'the inherent requirement of a job' in order to serve 'the best interests of the child'.

Then the principle of equity must be applied.

1.10 This requires a dynamic balancing act – rather than a contest or conflict between these two factors.

1.11 A further point that needs to be balanced is that the aim of the Act is not to exclude non-designated categories from employment, but rather to make it more possible for designated categories of people to receive employment. This is expressed well by Zolisa Sigabi. Spokesperson for the Department of Labour (in a letter to the *Cape Times* on 5 March 2007):

... it's important that the purpose of this Act be read in context because this piece of legislation does not necessarily promote or put ceilings on the employment of people for the non-designated groups, that is, white males. What the Act does, is promote the removal of ceilings for the employment of the designated groups, who were denied equal opportunities to enjoy their full and equal rights and freedom.'

SVGoS is therefore committed to equity in terms of the above.