



# Draft Revised Policy on the Registration and Management of the Jobseekers Database

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*Version: Draft 1  
February 2016*



File Name	<b>Draft Revised Policy on the Registration and Management of the Jobseekers Database</b>
Revision Author(s)	Corporate EPWP Office

<b>Version</b>	<b>Date</b>	<b>Authors</b>	<b>Revision Notes</b>
Approved policy	March 2011	Development Services	Council approved policy
Revision 1	February 2016	Corporate EPWP Office	



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## 1. Definitions and Abbreviations

The glossary terms and abbreviations mentioned in the policy below are defined as follows:

- i. **"City"** means City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998, or any structure or employee of the City acting in terms of delegated authority;
- ii. **"Code of Good Practice"** means the Code of Good Practice for employment and conditions of work for the Expanded Public Works Programme;
- iii. **"Community-based work"** means any project that generates work opportunities for the unemployed in the community;
- iv. **"Database"** means the jobseekers database managed by subcouncils;
- v. **"Direct employment"** means EPWP employment managed directly by the City;
- vi. **"Elementary occupation"** means any occupation involving unskilled or semi-skilled work;
- vii. **"Employer"** means any department in the City or an appointed Service Provider that hires workers for EPWP work opportunities on City projects;
- viii. **"EMT"** means the Executive Management Team of the City;
- ix. **"EPWP work opportunity"** means paid work created by the City or its Service Provider for persons on an EPWP project for any period of time within the employment conditions of the Code of Good Practice for employment conditions of work on Public Works Programmes;
- x. **"EPWP worker"** means a worker employed by the City for temporary work in accordance with the Ministerial Determination 4: Expanded Public Works Programme (EPWP) and the Code of Good Practice for employment conditions of work for Public Works Programmes;
- xi. **"EPWP"** means the Expanded Public Works Programme run by the City;



- xii. **"IDP"** means the City's Integrated Development Plan;
- xiii. **"Implementing line department"** means any line department within the City responsible for hiring jobseekers either directly or indirectly (through a service provider) to implement the City's EPWP programme or projects;
- xiv. **"Indirect employment"** means employment managed by a contractor or any City appointed service provider;
- xv. **"Jobseeker"** means any person looking for work in EPWP or similar programmes;
- xvi. **"Legal employable age"** means 18 years of age;
- xvii. **"Randomisation"** means the random selection of jobseekers for employment opportunities in terms of the Policy, so as to avoid bias.
- xviii. **"Service Provider or Implementing Agent"** means any contractor, professional agent or entities appointed by the City to provide goods, services or construction works, including community based programmes or projects;
- xix. **"Special City identified programmes or projects"** means programmes or projects with a special attachment, for which jobseekers cannot be sourced from the database, such as the annual Cape Minstrel Parade and;
- xx. **"Semi-skilled work"** means work requiring a person to have some degree of training or familiarization with the job before being able to operate efficiently and;
- xxi. **"Low skilled work"** means work that does not require a person to have received any prior training related to the job in order to be able to operate at a satisfactory standard.
- xxii. **"NDPW"** means the National Department of Public Works



## 2. Problem Statement

The City of Cape Town is facing very high rates of unemployment, poverty and inequality. These challenges inhibit development and growth of the City and have significant social ramifications. The City has identified the Expanded Public Works Programme as a critical tool for poverty alleviation and the employability of marginalise residents. It is critical that the City's management and administration of such programmes be empowering, fair and transparent in relation to the manner in which jobseekers are registered, identified and selected for projects.

The Policy on the Registration and Management of the Jobseekers Database sets out the principles and methodology for the registration, recruitment and temporary employment of jobseekers on Council's community-based programmes and projects.

## 3. Desired Outcomes

This policy aims to ensure that:

- a. unemployed members of the community have fair access to community-based work;
- b. members of local communities are protected from corruption and nepotism during the process of accessing work opportunities;
- c. the employment prospects of jobseekers, especially the poor, vulnerable or marginalized, are improved and;
- d. Governance issues relating to the employment of EPWP jobseekers, essentially supports the focus of the "Well-Run City" in the City's IDP.

## 4. Strategic Intent

This policy aligns with a number of overarching strategy documents that inform the City's priorities.

- 4.1 **Integrated Development Plan (IDP):** The EPWP programme is a core element of the City's strategic focus on being an Opportunity City, and is a project under Objective 1.2. - Providing and maintaining economic and social infrastructure to ensure infrastructure-led growth and development. By developing a clear policy and establishing a fair process for selecting jobseekers to participate in these programmes, the Policy supports the strategic focus on a Caring and Well-run City that is transparent and free of corruption.





- 4.2 **City of Cape Town's Economic Growth Strategy (2013) and Social Development Strategy (2013):** EPWP projects are a key policy lever in the City's focus on encouraging job creation, and skills development. The Social Development Strategy identifies EPWP as a critical tool for poverty alleviation and improving the employability of marginalised residents. The effective management of an electronic database of EPWP jobseekers will improve the efficiency of EPWP programmes. By opening the EPWP database to the public, the City can enhance access of marginalised communities to work opportunities.
- 4.3 **Provincial One Cape 2040 Vision:** One of the most important expressions of the vision is that it identifies work as a single most important mechanism for social inclusion. The vision is premised on improving skills, building confidence, increasing opportunities for work experience, self-reliance and social integration. Developing a clear policy and establishing a fair process for the effective registration and management of an electronic database of EPWP jobseekers will improve access to the substantial majority of unemployed young, and marginalised people, to work opportunities.
- 4.4 **National Development Plan (NDP):** The EPWP programme is a core element of the City's strategic focus areas for poverty alleviation and job creation. This is to support one of the three-pronged strategies of the NDP meant to address unemployment and economic growth. The NDP advocates for the provision of a social wage to enable the poorest of South Africa's people to have a decent standard of living and to build their capabilities to get better jobs, higher incomes and a broader range of benefits. The efficient management of an electronic database of EPWP jobseekers by the City will enhance access and the employment prospects of marginalised residents in communities.

## 5. Policy Parameters

5.1. This policy applies to:

- a. line departments, Subcouncils and implementing agents involved in City's community-based programmes and projects; and
- b. persons employed to work on the City's programmes and projects including recipients of government grants who meet the job specifications and physical requirements of the job.

5.2. The Policy does not apply to:



- a. permanent or fixed term contract employees on the City's staff establishment;
- b. special City identified programmes and projects and ;
- c. programmes or projects identified for possible exclusion by the relevant Executive Director shall be subject to the prior approval of the Corporate EPWP Office. In the event that the approval is granted, a copy of such an approval must be forwarded to the Subcouncils for record purposes.

## 6. Principles

The policy shall be guided by the following underlying principles:

- a. Equity and fairness;
- b. Transparency;
- c. Professionalism;
- d. Communication;
- e. Access to information and;
- f. Equalopportunities to all.

## 7. Role-players and Stakeholders

The policy implementation and support shall be within the ambit of the following City's role-players and stakeholders:

- a. Corporate EPWP Office;
- b. Human Resources Department;
- c. Sub councils;
- d. Supply Chain Management;
- e. Implementing Line Departments;
- f. Information Service & Technology (IS&T) Department;
- g. Service Providers or Implementing Agents and ;
- h. EPWP jobseekers;
- i. Provincial Department of Public Works, Western Cape Government and;
- j. National Department of Public Works (NDPW)

## 8. Regulatory Framework

The policy draws its legal mandate from the following laws and legal principles as amended from time to time.

- a. Constitution of the Republic of South Africa, 1996;
- b. City's Integrated Development Plan;
- c. Basic Conditions of Employment Act, 1997 (Act 75 of 1997);





- d. Employment Equity Act, 1998 (Act 55 of 1998);
- e. Code of Good Practice for Employment and Conditions of Work for Special Public Works Programmes;
- f. Ministerial Determinations 4, Expanded Public Works Programmes, issued in terms of Section 50 of the Basic Conditions of Employment Act 1997 on 22 May 2012;
- g. Division of Revenue Act (DoRA); and
- h. Protection of Personal Information Act, 2013 (Act 4 of 2013) (PoPI)

## 9. Policy Directives

### General rules and application

- a. The City shall keep an electronic database of jobseekers that is accessible to all employers at each Subcouncil. Sub councils will manage and maintain the database;
- b. Selection of community members, from the electronic database of jobseekers for work on programmes or projects must be based on random electronic selection;
- c. The Corporate EPWP office may centralize the randomization process subject to approval by the relevant Executive Director overseeing the programme;
- d. Corporate EPWP Office, in consultation with Sub Councils, shall develop and amend a Standard Operating Procedure (SOP) on the randomization criteria;
- e. All implementing line departments and their appointed service providers are required to use the database and selection methodology set out in this policy for the employment of persons for the purpose of implementing programmes and projects in communities;
- f. All line departments and service providers are responsible for providing the names of persons employed in terms of this policy to the relevant Subcouncil offices for the database to be kept up to date;
- g. Jobseekers are required to update their details on the system at least every twelve months. Failure to do so will result in their names being removed from the database;
- h. Line departments responsible for overseeing projects, must register the project with the Corporate EPWP Office, following which they can be given access to the names of jobseekers registered on the database;
- i. Employers must submit their request for names prior to the time when the workers are required. The following time periods will serve as a guide:
  - i) three working days' notice for 10 -20 names;
  - ii) five working days' notice for more than 20 names;



Making progress possible. Together.

- j. Spouses or partners and direct family members of Councillors, including their children living in the same household shall be prohibited from registering on the jobseekers database. However, such a jobseeker shall be considered if listed on the City's Indigent support register.
- k. Councillors shall not be directly or indirectly involved in or be allowed to propose, suggest, submit or recommend names of jobseekers for randomisation from the database.
- l. The City shall in future allow private employers and government agencies to employ jobseekers on the database when looking for temporary or permanent workers for projects not necessarily registered with the EPWP programme. This may allow EPWP workers to progress to full time employment.
- m. The City shall note and store employment records of EPWP workers including favorable and unfavorable incidents as a determining baseline to be considered for future employment opportunities in the EPWP programme.
- n. As a second screening phase following random electronic, the City or its appointed service provider may perform pre-employment checks and screening of jobseekers on information relating to criminal records, drug abuse, state of health and skills levels, depending on the job category and requirements for EPWP work. This must be done subject to obtaining the persons consent.
- o. Jobseekers may be required to subject themselves to screening tests relating to job requirements ; and
- p. The Corporate EPWP Office shall develop a Standard Operating Procedure (SOP) that would define these categories or requirements and may amend the SOP whenever necessary.

## 9.1 Registration

- a. Unemployed persons who are eligible and willing to work are required to register their names at the nearest Subcouncil office or an approved platform, in order to be eligible for employment on EPWP programmes and projects.
- b. Registration on the database is not a guarantee of employment.
- c. A jobseeker is allowed to register only at one Subcouncil.
- d. Proof of residence must be provided to ensure that the jobseeker is registered in the Subcouncil where they reside. Proof of residence can be in the form of a bank account statement or an affidavit signed by a Commissioner of Oaths.
- e. Identity document provided must be scanned to form part of the records. Workers in the programme should be locally based individuals prepared to



work on a specific EPWP project (as close to the project site as possible).

## 9.2 Eligibility

To be eligible for registration on the database, jobseekers must adhere to the following conditions:

- a. The jobseeker must be unemployed at the time of registration.
- b. The jobseeker must be a South African citizen or eligible to work in South Africa, if a foreign citizen.
- c. In circumstances where the jobseeker cannot provide an identity document, this person can submit alternative proof of identification, such as South African Driver's License. A valid work permit is acceptable and required in the case of a foreign citizen.
- d. The jobseeker must be resident in the City of Cape Town.
- e. The jobseeker must be of the minimum legal employable age.
- f. The jobseeker must meet the physical requirements and specifications of the work opportunity.

## 9.3 Job Offer

The employer shall:

- a. Notify the Subcouncils about the successful jobseekers within five working days of signing a contract.
- b. Ensure the generation of an employment contract or letter of appointment for the worker.
- c. Ensure that the successful jobseeker signs the contract of employment or letter of appointment
- d. Ensure that a copy of the signed contract or letter of appointment is handed to the successful jobseeker and a copy is kept on file for record keeping purpose.
- e. Ensure a signed attendance register is maintained showing the number of days worked.
- f. Collect a certified copy of the successful Jobseekers identity document for recordkeeping and EPWP reporting.



#### **9.4. Special administrative conditions applicable to exclusion period.**

The special administrative conditions applicable to exclusion period shall be as follows:

- a. The names of jobseekers that have been randomly pre-selected from the database and sent to the prospective employer for interview and irrespective of the outcome shall in principle, be excluded from future randomization for a period of 30 days;
- b. The names of successful jobseekers, who have been employed for less than two weeks, shall be excluded from the list of employable candidates on the database for a period of one month;
- c. The names of successful jobseekers, who have been employed for more than two weeks, to a maximum of three months, shall be excluded from the list of employable candidates on the database for a period of two months and;
- d. The names of successful jobseekers, who have been employed for three months, or longer, shall be excluded from the list of employable candidates on the database for a period of three months

### **10. Implementation**

The roles and responsibilities of the role-players/stakeholders shall be as follows:

#### **10.1. The Corporate EPWP Office**

The City's Corporate EPWP Office shall:

- a. be primarily responsible for managing the implementation and oversight of this policy;
- b. determine standard administrative and operational procedures including a centralized randomization criteria and process;
- c. report on EPWP performance to EMT, Council, Line Departments, Provincial Department of Public Works, Western Cape Government and National Department of Public Works (NDPW),
- d. monitor and review this policy and other relevant EPWP policies, in consultation with other relevant stakeholders or role-players and;
- e. Monitor to ensure that EPWP Projects are registered with the City's Corporate EPWP office.





## 10.2. Subcouncils

Subcouncils shall:

- a. be primarily responsible for the implementation of this policy;
- b. facilitate and monitor the registration of prospective jobseekers on the electronic database;
- c. populate, manage and administer the database;
- d. ensure good governance;
- e. facilitate inclusion of mechanisms that will allow department's project managers to initiate the random selection process and see the workers availability; and
- f. report on the performance of the Jobseekers data in the prescribed format and time line as determine by the City's Corporate EPWP Office.

## 10.3. The Human Resources Department

The City's Human Resources Department shall:

- a. Advise on the application of City's Human Resources policies and systems and procedures, to persons employed in EPWP work opportunities in terms of this policy.
- b. Generate employment contracts for workers directly employment by departments where applicable.
- c. Advise the City Manager on rates of pay and designations for EPWP workers. This must be done in consultation with the City's Corporate EPWP Office.

## 10.4. The Information Systems and Technology Department (IS&T)

The IS&T department shall be primarily responsible for the enhancement of the information systems, to facilitate the EPWP and projects.

## 10.5. Line Department/s or its appointed service provider

Line Departments or their appointed service providers shall:

- a. Be required to make use of the electronic jobseekers database and the selection methodology when implementing relevant contracts, programmes or projects.
- b. Be responsible and accountable, for the implementation of the policy, through the final selection or employment of prospective jobseekers for work on EPWP.





## 10.6. Supply Chain Management

Supply Chain Management shall align the relevant tender document specifications, (standard terms and conditions, service level agreements) to give effect to the EPWP reporting requirements.

## 11. Policy Review

The Corporate EPWP office shall evaluate and review the policy every two years or sooner, if the need arises. This is to ensure that the policy remains efficient and relevant to the City's changing operating environment.

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