Government Gazette

REPUBLIC OF SOUTH AFRICA

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THE PRESIDENCY

No. 3280 **14 April 2023**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 04 of 2022: Employment Equity Amendment Act, 2022

HOFISI YA PRESIDENTE

No. 3280 **14 April 2023**

Hi mi tivisa leswaku Presidente u amukerile nawu lowu wu phablixiwke ku andzisa vutivi bya n'wina:—

No. 04 wa 2022: Nawu wa Kuantswisiwa Ka Ndzingano wa Vutholi, 2022

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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.

(English text signed by the President)
(Assented to 6 April 2023)

ACT

To amend the Employment Equity Act, 1998, so as to amend a definition; to insert certain definitions; to substitute a definition and to delete a definition; to provide for the Minister to identify sectoral numerical targets in order to ensure the equitable representation of suitably qualified people from designated groups; to provide criteria for the Minister to issue certificates; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 55 of 1998, as amended by section 40 of Act 65 of 2002, section 26 of Act 68 of 2002, sections 23 and 25 of Act 52 of 2003, section 51 of Act 11 of 2013 and sections 1 and 2 of Act 47 of 2013

1. Section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998) (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion of paragraph *(b)* of the definition of ''designated employer'';

(b) by the insertion, after the definition of ''Minister'', of the following definition:

'' **'National Minimum Wage Commission'** means the Commission established in terms of section 8 of the National Minimum Wage Act, 2018 (Act No. 9 of 2018);'';

(c) by the substitution for the definition of ''people with disabilities'' of the following definition:

'' **'people with disabilities' [means]** includes people who have a long-term or recurring physical **[or]**, mental, intellectual or sensory impairment which, in interaction with various barriers, may substantially **[limits]** limit their prospects of entry into, or advancement in, employment, and 'persons with disabilities' has a corresponding meaning;'';

(d) by the insertion, after the definition of ''Republic'', of the following definition:

'' **'sector'** means an industry or service or part of any industry or service;''; and

(e) by the deletion of the definition of ''serve'' or ''submit''.

RITO RO HLAMUSELA HI KU ANGARHELA:

[ ] Marito yo byihala lama ya nga eka swiangi swa xikwere ya komba leswi swi susiweke eka xinawana leswi swi simekiweke.

Marito lawa ya nga khwatihatiwa hi layini yo koma ya komba leswi nghenisiweke eka swinawana leswi swi simekiweke.

(English text signed by the President)
(Assented to 6 April 2023)

NAWU

Ku antswisa Nawu wa Ndzingano wa Vutholi, 1998, ku endlela ku antswisa nhlamuselo; ku nghenisa tinhlamuselo tin'wana; ku siva nhlamuselo na ku sula nhlamuselo; ku lulamiselo Holobye ku lemuka tinhlayo leti ti lavekaka hikuya hi xiyenge ku kota ku tiyisisa vuyimeri lebyi byi ringanaka bya vanhu lava nga ringanela ku suka eka mitlawa leyi yi vekiweke; ku lulamisela ndlela eka Holobye ku nyika switifikheti, na ku lulamisela timhaka leti fambisanaka na swona ko kwalaho.

PALAMENTE ya Riphabliki ra Afrika-Dzonga yi simeka, hi ndlela leyi yi landzelaka:—

Ku antswisiwa ka xiyenge xa 1 xa Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 40 xa Nawu 65 lembe ra 2002, xiyenge xa 26 xa Nawu wa 68 lembe ra 2002, swiyenge swa 23 na 25 swa Nawu wa 52 lembe ra 2003, xiyenge 51 xa Nawu wa 11 lembe ra 2013 na swiyenge swa 1 na 2 Nawu wa 47 lembe ra 2013

1. Xiyenge xa 1 Nawu wa Ndzingano wa Vutholi, 1998 (Nawu wa 55 lembe ra 1998) (laha endzhaku wu kongomisiweke tani hi Nawunkulu), hi lexi xi antswisiweke—

(a) hi ku suliwa ka ndzimana ya *(b)* ka nhlamuselo ya ''vathori lava va hlawuriweke'';

(b) hi ku nghenisiwa ka, endzhaku ka nhlamuselo ya ''Holobye'', ka nhlamuselo leyi yi landzelaka:

'' **'Khomixini ya Hakelo ya le Hansi ya Tiko'** swivula Khomixini leyi yi tumbuluxiweke hi ku ya hi xiyenge xa 8 xa *National Minimum Wage Act*, 2018 (Nawu wa 9 lembe ra 2018);'';

(c) Hi ku siviwa ka nhlamuselo ya ''vanhu lava va nga na vutsoniwa'' ya nhlamuselo leyi yi landzelaka:

'' **'vanhu lava va nga na vutsoniwa' [swivula]** ku katsa vanhu lava vutsoniwa emirhini bya nkarhi wo leha kumbe lebyi byi tshamaka byi karhi byi vuyelela **[kumbe]**, emiehleketweni, ku tsoniwa eka vutlharhi leswi, leswi eka ku tihlanganisa na van'wana swi nga vaka xirhalanganya, swi nga **[hunguta]** hunguta ku langutela ka vona ka mali leyi yi hlayisiwaka, na 'vanhu lava va nga na vutsoniwa' van a nhlamuselo leyi yi fanaka;'';

(d) Hi ku nghenisiwa, endzhaku ka nhlamuselo ya ''Riphabliki'', ya nhlamuselo leyi yi landzelaka:

'' **'xiyenge'** swivula xiyenge kumbe vukorhokeri kumbe xiphemu xa xiyenge xin'wana na xin'wanakumbe vukorhokeri;''; na

(e) hi ku suliwa ka nhlamuselo ya ''korhoka'' kumbe ''rhumela''.

Amendment of section 8 of Act 55 of 1998, as amended by section 4 of Act 47 of 2013

2. Section 8 of the principal Act is hereby amended by the insertion of the word ''and'' at the end of paragraph *(b)*, the substitution for the expression ''; and'' at the end of paragraph *(c)* of a full stop and the deletion of paragraph *(d)*.

Repeal of section 14 of Act 55 of 1998

3. Section 14 of the principal Act is hereby repealed.

Insertion of section 15A in Act 55 of 1998

4. The following section is hereby inserted after section 15 of the principal Act:

''**Determination of sectoral numerical targets**

15A. (1) The Minister may, by notice in the *Gazette*, identify national economic sectors for the purposes of this Act, having regard to any relevant code contained in the Standard Industrial Classification of all Economic Activities published by Statistics South Africa.

(2) The Minister may, after consulting the relevant sectors and with the advice of the Commission, for the purpose of ensuring the equitable representation of suitably qualified people from designated groups at all occupational levels in the workforce, by notice in the *Gazette* set numerical targets for any national economic sector identified in terms of subsection (1).

(3) A notice issued in terms of subsection (2) may set different numerical targets for different occupational levels, sub-sectors or regions within a sector or on the basis of any other relevant factor.

(4) A draft of any notice that the Minister proposes to issue in terms of subsection (1) or subsection (2) must be published in the *Gazette*, allowing interested parties at least 30 days to comment thereon.''.

Amendment of section 16 of Act 55 of 1998, as amended by section 8 of Act 47 of 2013

5. Section 16 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

''*(a)* with a representative trade union representing members at the workplace **[and its employees or representatives nominated by them]**; or''.

Amendment of section 20 of Act 55 of 1998, as amended by section 10 of Act 47 of 2013

6. Section 20 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

''(2A) The numerical goals set by an employer in terms of subsection (2) must comply with any sectoral target in terms of section 15A that applies to that employer.''.

Ku antswisiwa ka xiyenge xa 8 xa Nawu 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 4 xa Nawu wa 47 lembe ra 2013

2. Xiyenge xa 8 xa Nawunkulu hi lexi xi antswisiweke hi ku nghenisiwa ka rito ''na'' emakumu ka ndzimana ya *(b)*, ku siviwa ka nhlamuselo ''; na'' emakumu ka ndzimana ya *(c)* ka hiko na ku suliwa ka ndzimana ya *(d)*.

Ku herisiwa ka xiyenge xa 14 xa Nawu wa 55 lembe ra 1998

3. Xiyenge xa 14 xa Nawunkulu hi lexi xi antswisiweke.

Ku nghenisiwa ka xiyenge xa 15A eka Nawu wa 55 lembe ra 1998

4. Xiyenge lexi xi landzelaka hi lexi xi nghenisiweke endzhaku ka xiyenge xa 15 xa Nawunkulu:

''**Ku veka tinhlayo leti ti lavekaka hikuya hi xiyenge**

15A. (1) Holobye a nga, hi xitiso eka *Gazete*, lemuka swiyenge swa tiko swa ikhonomi eka xikongomelo xa Nawu lowu, a karhi a tekela ngopfu enhlokweni khodi yin'wana na yin'wana leyi yi nga kona eka Nxaxameto wa Mpimo wa Swavumaki wa Migingiriko hinkwayo ya swa Ikhonomi leyi yi humeleriweke hiyenge xa Tihlayonhlayo xa Tiko.

(2) Holobye a nga, endzhaku ka kutihlanganisa swiyenge leswi swi faneleke na xitsundzuxo xa khomixini, eka xikongomelo xa vuyimeri lebyi byi ringanaka bya vanhu lava va fikelelaka ku suka eka mintlawa leyi yi hlawuliweke eka swiyimo swo hambana swa mintirho, hi xitiviso eka *Gazete* a veka nhlayo leyi yi lavaka ku fikeleliwa eka xiyenge xin'wana na xin'wana lexi xi lemukiweke xa tiko hi ku ya hi xiyengentsongo xa (1).

(3) xitiviso lexi nyikiweke hi ku ya xiyengentsongo xa (2) xi nga veka nhlayo leyi yi lavaka ku fikeleliwa yo hambanana eka swiyimo swa mintirho swo hambana, xiyengentsongo kumbe swifundzhantsongo eka swiyenge kumbe eka swihlawulekisiswin'wana leswi swi faneleke.

(4) Mpfapfarhuto wa xitiviso xin'wana na xin'wana lexi Holobye a bumabumelaka ku xi nyika hi ku ya hi xiyengentsongo xa (1) kumbe xiyengentsongo xa (2) xi fanele xi humelerisiwa eka *Gazete*, xi nyika swirho leswi swi khumbhekeke masiku ya 30 ku nyika mavonelo ko kwalaho.''.

Ku antswisiwa ka xiyenge xa 16 Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 8 Nawu wa 47 lembe ra 2013

5. Xiyenge xa 16 xa Nawunkulu hi lexi xi antswisiweke hi ku siviwa ka xiyengtsongo xa (1) eka ndzimana ya *(a)* ka ndzimana leyi yi landzelaka:

''*(a)* na vuyimeri bya nhlangano wa vatirhi lowu wu yimelaka swirho emitirhweni **[na vatirhi va vona kumbe vayimeri lava va hlawuriweke hi vona]**; kumbe''.

Ku antswisiwa ka xiyenge xa 20 xa Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 10 xa Nawu wa 47 lembe ra 2013

6. Xiyenge xa 20 xa Nawunkulu hi lexi xi antswisiweke hi ku nghenisiwa endzhaku ka xiyengentsongo xa (2) xa xiyengentsongo lexi xi landzelaka:

''(2A) Nhlayo leyi yi lavaka ku fikeleliwa leyi yi vekiweke hi mutholi hi ku ya xiyengentsongo xa (2) yi fanele yi fambisana na nhlayo leyi yi lavaka ku fikeleliwa ya xiyenge xin'wana na xin'wana hi ku ya hi xiyenge xa 15A lexi xi tirhaka ka mutholi wun'wana na wun'wana.''.

Amendment of section 21 of Act 55 of 1998, as substituted by section 11 of Act 47 of 2013

7. Section 21 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) A designated employer must submit a report to the Director-General once every year **[on the first working day of October or]** on such **[other]** date and in such manner as may be prescribed.";

(b) by the deletion of subsections (3) and (4); and

(c) by the substitution for subsection (4A) of the following subsection:

"(4A) An employer that is not able to submit a report to the Director-General **[by the first working day of October]** within the period prescribed in terms of subsection (1) must notify the Director-General **[in writing before the last working day of August in the same year]** in the prescribed manner and period giving reasons for its inability to do so.".

Amendment of section 27 of Act 55 of 1998, as amended by section 12 of Act 47 of 2013

8. (1) Section 27 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Every designated employer, when reporting in terms of section 21(1), must submit a statement, as prescribed, to the **[Employment Conditions]** National Minimum Wage Commission **[established by section 59 of the Basic Conditions of Employment Act,]** on the remuneration and benefits received in each occupational level of that employer's workforce."; and

(b) by the substitution for subsections (3), (4) and (5) of the following subsections, respectively:

"(3) The measures referred to in subsection (2) may include—

(a) collective bargaining;

(b) compliance with sectoral determinations made by the Minister in terms of section 51 of the Basic Conditions of Employment Act and the national minimum wage set in terms of the National Minimum Wage Act, 2018 (Act No. 9 of 2018);

(c) applying the norms and benchmarks set by the **[Employment Conditions]** National Minimum Wage Commission;

(d) relevant measures contained in skills development legislation; or

(e) other measures that are appropriate in the circumstances.

(4) The **[Employment Conditions]** National Minimum Wage Commission must research and investigate norms and benchmarks for proportionate income differentials and advise the Minister on appropriate measures for reducing disproportional differentials.

(5) The **[Employment Conditions]** National Minimum Wage Commission may not disclose any information pertaining to individual employees or employers.".

Amendment of section 36 of Act 55 of 1998, as substituted by section 13 of Act 47 of 2013

9. Section 36 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"A labour inspector may request and obtain a written undertaking from a designated employer to comply with paragraph *(a)*, *(b)*, *(c)*, *(f)*, *(h)*, *(i)*

Ku antswisiwa ka xiyenge xa 21 xa Nawu wa 55 lembe ra 1998, tani hi loko xi siviwile hi xiyenge xa 11 xa Nawu wa 47 lembe ra 2013

7. Xiyenge xa 21 xa Nawunkulu hi lexi xi antswisiweke—

(a) hi ku siviwa eka xiyengentsongo xa (1) ka xiyengentsongo lexi xi landzelaka:

"(1) Vathori lava va hlawuriweke va fanele va rhumela xiviko eka Mulawuli Jenerala kan'we lembe rin'wana na rin'wana **[eka siku ro sungula ra Nhlangula kumbe]** eka **[handle ka]** siku na hi ndlela tani hi loko yi ng ava yi vekiwile.";

(b) hi ku suliwa ka swiyengentsongo swa (3) na (4); na

(c) eka ku siviwa eka xiyengentsongo xa (4A) xa xiyengentsongo lexi xi landzelaka:

"(4A) Mutholi loyi a nga kotiki ku rhumela xiviko eka Mulawuli Jenerala **[hi siku ro sungula ra Nhlangula]** exikarhi ka nkarhi lowu wu vekiweke hi ku ya hi xiyengentsongo xa (1) u fanele a tivisa Mulawuli Jenerala **[hi ku tsala ku nga si hela siku ro tirha ro hetelela ra Mhawuri eka lembe rero]** hi ndlela leyi yi vekiweke na nkarhi a nyika swivangelo swa kuva a nga koti ku endla tano.".

Ku antswisiwa ka xiyenge xa 27 xa Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 12 xa Nawu wa 47 lembe ra 2013

8. (1) Xiyenge xa 27 xa Nawunkulu hi lexi xi antswisiweke—

(a) hi ku siviwa eka xiyengentsongo xa (1) xa xiyengentsongo lexi xi landzelaka:

"(1) vathori lava va hlawuriweke van'wana na van'wana, loko va nyika xiviko hi ku ya hi xiyenge 21(1), va fanele va rhumela xitatimende, tani hi loko swivekiwile, eka **[Swiyimo swa Vutholi]** Khomixini ya Hakelo ya le Hansi ya Tiko **[leyi yi tumbuluxiweke hi xiyenge xa 59 xa *Basic Conditions of Employment Act*,]** eka muholo na tibenefiti leti ti kumekaka eka xiyimo xin'wana na xin'wana eka ntirho wa mutholi yaloye."; na

(b) hi ku siviwa ka swiyengentsongo Swa (3), (4) na (5) swa swiyengentsongo leswi swi landzelaka, hi ku hlawuleka:

"(3) tindlela leti ti kongomisiweke eka xiyengentsongo xa (2) ti nga katsa—

(a) mintwanano exikarhi ka vatirhi na mutholi;

(b) ku landzelela na leswi swi vekiweke hi Holobye swa xiyenge hi ku ya hi xiyenge xa 51 xa *Basic Conditions of Employment Act* na *national minimum wage Mihoto wa le hansi wa tiko lowu wu vekiweke hi ku ya hi National Minimum Wage Act*, 2018 (Nawu wa 9 lembe ra 2018)*;*

(c) ku tirhisa mitolovelo na leswi swi vekiweke hi **[Swiyimo swa le Mintirhweni]** Khomixini ya Hakelo ya le Hansi ya Tiko;

(d) tindlela leti ti faneleke leti ti nga nawu wa nhluvukiso wa vuswikoti; kumbe;

(e) tindlela tin'wana leti ti nga ringanela eka swiyimo.

(4) **[Swiyimo swa le Mintirhweni]** Khomixini ya Hakelo ya le Hansi ya Tiko yi fanele yi lavisisa mintsengo ya ntolovelo eka mintsengo leyi yi ringanaka ivi yi tsundzuxa Holobye hi magoza lawa ya nga fanela ku hunguta ku hamabana.

(5) **[Swiyimo swa le Mintirhweni]** Khomixini ya Hakelo ya le Hansi ya Tiko yi ng aka yi nga humeseli erivaleni vuxokoxoko mayelana na vatholiwa kumbe vatholi.".

Ku antswisiwa ka xiyenge xa 36 xa Nawu wa 55 lembe ra 1998, tani hi loko ku siviwile hi xiyenge xa 13 xa Nawu wa 47 lembe ra 2013

9. Xiyenge xa 36 xa Nawunkulu hi lexi xi antswisiweke—

(a) Hi ku siviwa eka xiyengentsongo xa (1) for the words preceding paragraph *(a)* of the following words:

"Xipikitere xa vatirhi xi nga kombela na ku kuma xihlambanyo xo tsariwa ku suka eka vathori lava va hlawuriweke ku landzelela na ndzimana ya *(a)*, *(b)*, *(c)*, *(f)*, *(h)*, (i) kumbe *(j)* na nkarhi lowu wu

or *(j)* within a specified period, if the inspector has reasonable grounds to believe that the employer has failed to—''; and

(b) by the insertion in subsection (1) after paragraph *(b)* of the following paragraph:

''*(c)* prepare an employment equity plan as required by section 20;''.

Amendment of section 37 of Act 55 of 1998, as amended by section 14 of Act 47 of 2013

10. Section 37 of the principal Act is hereby amended—

(a) by the substitution for subsection 1 of the following subsection:

''(1) A labour inspector may **[issue]** serve a compliance order **[to]** on a designated employer in the prescribed manner if that employer has failed to comply with section 16, 17, 19, 22, 24, 25 or 26 of this Act.''.

(b) by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

''A compliance order **[issued]** contemplated in **[terms of]** subsection (1) must be issued by a labour inspector and must set out—''.

Amendment of section 42 of Act 55 of 1998, as substituted by section 16 of Act 47 of 2013

11. Section 42 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph *(a)* of the following paragraph:

''*(a*A*)* whether the employer has complied with a sectoral target as set out in terms of section 15A applicable to that employer;''.

Amendment of section 53 of Act 55 of 1998, as amended by section 20 of Act 47 of 2013

12. Section 53 of the principal Act is hereby amended by the addition of the following subsection:

''(6) The Minister may only issue a certificate in terms of subsection (2) if the Minister is satisfied that—

(a) the employer has complied with a numerical target set in terms of section 15A that applies to that employer;

(b) in respect of any target with which the employer has not complied, the employer has raised a reasonable ground to justify its failure to comply, as contemplated by section 42(4);

(c) the employer has submitted a report in terms of section 21;

(d) there has been no finding by the CCMA or a court within the previous 12 months that the employer breached the prohibition on unfair discrimination in Chapter 2; and

(e) the CCMA has not issued an award against the employer in the previous 12 months for failing to pay the minimum wage in terms of the National Minimum Wage Act, 2018 (Act No. 9 of 2018).''.

Repeal of section 64A of Act 55 of 1998

13. Section 64A of the principal Act is hereby repealed.

Repeal of Schedule 4 to Act 55 of 1998

14. Schedule 4 to the principal Act is hereby repealed.

kongomisiweke, loko xipitikere xi ri timhaka leti ti twakalaka ta leswaku mutholi u tsandzekili ku—''; na

(b) Ku nghenisiwa ka xiyengentsongo xa (1) endzaku ka ndzimana ya *(b)* ya ndzimana leyi yi landzelaka:

''*(c)* lulamisa kungu ra ndzingano wa vutholi tani hi loko wu laveka hi xiyenge xa 20;''.

Ku antswisiwa ka xiyenge xa 37 xa Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 14 xa Nawu wa 47 lembe ra 2013

10. Xiyenge xa 37 xa Nawunkulu hi lexi xi antswisiweke hi—

(a) Hi ku siviwa eka xiyengentsongo xa 1 xa xiyengentsongo lexi xi landzelaka:

''(1) Xipikitere xa vatirhi xi nga **[nyika]** rhumela xileriso xa ndzandzelelo **[eka]** ka vathori lava va hlawuriweke hi ndlela leyi yi vekiweke loko mutholi yaloye a tsandzekili ku landzelela na xiyenge xa 16, 17, 19, 22, 24, 25 kumbe 26 xa Nawu lowu.''.

(b) Hi ku siviwa eka xiyengentsongo xa (2) ka marito lawa ya nga ndzhaku ka ndzimana ya *(a)* ya marito lawa ya landzelaka:

''Xileriso xa Ndzandzelelo **[nyikiweke]** kombisiweke eka **[hi ku ya hi]** xiyengentsongo xa (1) xi fanele xi nyikiwa hi xipikitere xa vatirhi nakona xifanele xi humesela erivaleni—''.

Ku antswisiwa ka xiyenge xa 42 xa Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 16 xa Nawu wa 47 lembe ra 2013

11. Xiyenge xa 42 xa Nawunkulu hi lexi xi antswisiweke hi ku nghenisiwa eka xiyengentsongo xa (1) endzhakuka ndzimana ya *(a)* ya ndzimana leyi yi landzelaka:

''*(a*A*)* loko mutholi a landzelelili na nhlayo leyi yi lavaka ku fikeleliwa ya xiyenge loko yi vekiwile hi ku ya hi xiyenge xa 15A lexi xi tirhaka eka mutholi yaloye;''.

Ku antswisiwa ka xiyenge xa 53 xa Nawu wa 55 lembe ra 1998, tani hi loko xi antswisiwile hi ka xiyenge xa 20 xa Nawu wa 47 lembe ra 2013

12. Xiyenge xa 53 xa Nawunkulu hi lexi xi antswisiweke hi ku engeteriwa ka xiyengentsongo lexix xi landzelaka:

''(6) Holobye a nga nyika xitifikheti hi ku ya hi xiyengentsongo xa (2) loko Holobye a enetekili leswaku—

(a) Mutholi u landzelelini na nhlayo leyi yi lavaka ku fikeleliwa leyi yi vekiweke hi ku ya hi xiyenge xa 15A lexi xi tirhaka eka mutholi;

(b) Hi mayelana na nhlayo leyi yi lavaka ku fikeleliwa lava mutholi a nga fikelelangiki, mutholi u humesile swivangelo leswi swi twakalaka swa ku va a tsandzeki ku landzelela, tani hi loko swi kombisiwile eka xiyenge xa 42(4);

(c) Mutholi u rhumerile xiviko hi ku ya hi xiyenge xa 21;

(d) A ku vanaga na xiboho hi CCMA kumbe khoto ku nga si hela 12 wa tin'hweti laha mutholi a nga tshova xiyila eka xihlawuhlawu xo ka xi nga ri kahle eka Kavanyisa ka 2; na

(e) CCMA a yi tekanga xiboho mayelana na mutholi eka 12 wa tin'hweti eka ku tsandzeka ku hakela ntsengo wa le hansi hi ku ya hi National Minimum Wage Act, 2018 (Nawu wa 9 lembe ra 2018).''.

Ku herisiwa ka xiyenge xa 64A eka Nawu wa 55 lembe ra 1998

13. Xiyenge xa 64A xa Nawunkulu hi lexi xi herisiweke.

Ku herisa Xedulu ya 4 eka Nawu wa 55 lembe ra 1998

14. Xedulu ya 4 eka Nawunkulu hi leyi yi herisiweke.

Deletion of footnotes to Act 55 of 1998

15. Footnotes 4 and 7 to the principal Act are hereby deleted.

Short title and commencement

16. This Act is called the Employment Equity Amendment Act, 2022, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

Ku suliwa ka tifutinoti eka Nawu wa 55 lembe ra 1998

15. Tifutinoti ya 4 na 7 eka Nawunkulu hi leti ti suliweke.

Nhlokomhaka yo koma na ku sungula ku tirha

16. Nawu lowu wu vitaniwa Nawu wa Kuantswisiwa ka Ndzingano wa Vutholi, 2022, na kona wu sungula ku tirha eka siku leri ri nga nciciweki ri vekiweke hi Presidente hi xitiviso eka *Gazete*.