

TO ALL HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND ORGANISATIONAL COMPONENTS

RIGID REQUIREMENTS STATED IN ADVERTISEMENTS

1. It has been brought to my Department's attention that many departments still apply some of the inflexible and outdated recruitment practices that characterised the previous regulatory framework. In particular, specific educational qualifications or years of experience are often stated as appointment requirements with the result that candidates who do not meet these specific requirements are then prejudiced.
2. Departments should note that whilst the Public Service Regulations, 2001 authorise executing authorities to determine the inherent requirements of the jobs and to state these as appointment requirements in advertisements, they have to do so in a way that will not unfairly discriminate against any group of candidates on the basis of subjective criteria such as race, gender, disability, etc.
3. The above principle is enshrined in section 6(1) of Employment Equity Act, 1998 and Chapter 1, Part VII.C.1.2 of the Public Service Regulations, 2001.
4. By defining the inherent requirements of the jobs rigidly in the form of specific educational qualification or years of experience, the result is often that potentially suitable candidates, particularly from disadvantaged backgrounds are discouraged or excluded from applying. Such candidates might not possess the specific qualifications or have the required years of experience, but could have the required competencies by virtue of exposure to alternative courses and/or practical work experience.

5. The principle of recognising equivalent competencies for positions is also enshrined in item XXXVI of PSCBC Resolution 3 of 1999 (that states "qualification requirements for a position shall be interpreted to permit recognition of equivalent competency")
6. To prevent a situation where a department is faced with the dilemma whether or not to consider the application of candidates who do not meet a particular appointment requirement stated in an advertisement, requirements should preferably be stated in terms that emphasise what the successful candidate **must be able to do** or the kind of **knowledge/attribute** that he/she should possess. This should not be interpreted to undermine the importance of educational qualification requirements particularly in professional job categories, but would allow for flexibility when considering the application of the candidates from different backgrounds.
7. Departments should also take into account that particularly in the administrative cadres of the Public Service, various categories of employees were at different times before 1 July 1999 exempted from the educational qualification requirements that were set for progression to higher levels (the so-called "grandfather clause" refers). By reverting to a situation where specific educational qualification requirements are unnecessarily stated as appointment requirements, these categories of employees are immediately prejudiced. (Details of the historical situation pertaining to these groups of employees are contained in Annexure A.)
8. It is trusted that the above will assist in introducing fair and just recruitment practices, while maintaining high standards in selection decisions.


DIRECTOR-GENERAL
DATE: 19.09.2002.

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Prior to the commencement of the new management framework on 1 July 1999, certain categories of employees were exempted from the educational qualification requirements prescribed in the various personnel administration standards. These exemptions were allowed in terms of the following: -

Item 12 of certain Personnel Administration Standards

- (a) In respect of certain occupational classes (especially those in the administrative cadre), item 12 of the relevant personnel administration standards provided that employees could be translated from a "junior" to a "senior" occupational class without complying with the educational requirement prescribed for entry into the "senior" occupational class.
- (b) The educational requirement relaxed in this way was usually that equivalent to a RVQ-13 qualification and the relaxation itself was subject to the following:-
 - (i) The attainment of promotability rating of at least "out of turn" at specified post levels in the "junior" occupation.
 - (ii) The completion of a prescribed number of years of service or the possession of a combination of actual service and appropriate experience at specified post levels in the "junior" occupational class.
 - (iii) The relaxation so effected also applied in respect of the qualification barriers that were prescribed for further progression to higher levels in certain "senior" occupational classes, but then only to employees appointed before 10 June 1994. -see for instance item 11.0(i)(b) of the personnel administration standard for the occupational class: Administrative Officer.

Acceptance of alternative qualifications

Until 30 June 1999, the Public Service Commission and the various Provincial Service Commissions had on an ad hoc basis and according to merit sanctioned the relaxation/acceptance of alternative educational qualifications to those prescribed in the personnel administration standards for purposes of the appointment/promotion of a candidate/employee. In respect of national departments, the Public Service Commission had delegated its powers (see Chapter G./Section VIII, of the repealed Public Service Staff Code) to heads of departments subject to the following conditions: -

- (a) Standards must not be lowered.

- (b) There must be sufficient evidence that the person will be able to carry out the duties attached to the relevant post level satisfactorily.
- (c) Special circumstances must exist that justify a deviation from the prescribed measures.
- (d) The labour market must be duly tested and no other persons who comply with the prescribed requirements must be available to fill the vacancy satisfactorily.
- (e) No employee may be prejudiced by the relaxation.
- (f) Where the minimum educational qualification prescribed for appointment in an occupational/personnel class is at least an RVQ 13 or equivalent qualification (including National Diplomas in technical fields), the alternative educational qualification shall not be less than a matriculation or equivalent qualification.
- (g) Where the minimum educational qualification prescribed for appointment in an occupational/personnel class is at least a matriculation or equivalent certificate, the alternative educational qualification shall not be less than a junior or equivalent certificate.
- (h) Statutorily laid down requirements for the practising of certain occupations/professions are, for the purpose of appointment to such occupational/personnel class, excluded from these delegated powers.
- (i) The alternative educational qualification accepted as sufficient only applies to the specific post level to which the person concerned is appointed. Where the relevant personnel administration standard prescribes specific educational or other requirements for further career progression, the person so appointed will have to comply with such further requirements.

Rationalisation of the Public Service with effect from 1 May 1994

- (a) With the rationalisation of the dispensations of the former public services of the RSA, self-governing territories and the TBVC states, the prescribed qualification requirements for absorption in the rationalised dispensations were relaxed in terms of circular 10/8/8/4 dated 6 March 1995 on a once-off basis for employees who were in service on 1 May 1994 or were appointed after 1 May 1994 but before 10 June 1994.
- (b) In considering cases of the above-mentioned nature, heads of departments had to issue a certificate to the effect that the relevant employee has been performing the work content attached to the relevant occupational class on the relevant post level and that she/he has been performing the functions satisfactorily in all respects.

- (c) This measure was applicable to all departments in the Public Service for the purpose of absorbing the staff in the rationalised remuneration structures only. Members of the management echelon and occupational classes where registration with a professional body is laid down as an entry requirement were excluded.

Resolution 6 of 1995

In 1995, an agreement was reached in the Central Chamber of the Bargaining Council that the qualification requirement prescribed for promotion to the post class Assistant Director in the administrative officer cadre be relaxed for certain employees. This, in effect entailed a relaxation for matriculated Senior Administrative Officers who were in service on 10 June 1994 and who did not possess an RVQ 13 qualification to be considered for promotion to the level of Assistant Director: Administration. This provision was made effective on 1 March 1995.