



## employment & labour

Department:  
Employment and Labour  
REPUBLIC OF SOUTH AFRICA

Private Bag X117, PRETORIA, 0001, Laboria House, 215 Francis Baard Street, PRETORIA,  
Tel: (012) 309 7963, Fax: (012) 309 4532

Enquiries: Nireesh Singh  
Tel. Direct: 012 309 4034

5 December 2025

**Mr G.C Papenfus**

**Chief Executive Officer: NEASA**

160 Bloed Street, Montana  
Pretoria  
0182

Email: [info@neasa.co.za](mailto:info@neasa.co.za)

Dear Mr Papenfus

### **RE: EMPLOYMENT EQUITY REPORTING - RACIAL CLASSIFICATION GUIDANCE AND LEGISLATED SECTORAL NUMERICAL TARGETS**

Your letter dated 4 December 2025 and received on the same date is hereby acknowledged and bears reference.

Kindly note that the questions raised in your letter are noted and I hereby, take this opportunity to provide you with the responses:

- **What data are you referring to when you refer to “reliable historic or existing data”**

We refer to data guided by current and historical legislation which may include the Employment Equity Act 55 of 1998 as amended, Citizens Act 88 of 1995 and the Population Registration Act of 1950.

- **Which criteria should be used to racially classify employees**

Employers must use definition of the designated groups defined in the Employment

LEFAPHA LA BADIRI • LEFAPHA LA MESEBETSI • UMNANGO WEZEMISEBENZI • MUHASHO WA  
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WEZOKUSEBENZI

Equity Act as amended, which must be read in conjunction with historical racial classification legislation (e.g. Population Registration Act, of 1950). The following definition of designated groups is contained in Section 1 of the Employment Equity as amended, as follows: Designated groups mean black people, women and people with disabilities who are citizens of the Republic of South Africa by birth or descent; or became citizens of the Republic of South Africa by naturalization – before 27 April 1994; or after 26 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date but who were precluded by apartheid policies.

Regulation 8(1) of EE Regulations of 2025, states that, the employer must request each employee in the workforce to complete a declaration using the **EEA1** form.

- **How are employers supposed to accurately classify individuals if those individuals have the right not to declare their disabilities?**

Employers must create a conducive environment to encourage Persons with Disabilities to declare their disability, which must include creating awareness on the benefits of disability declaration and reasonable accommodation.

- **Please elaborate on how employers are to plan and report on EE, if information such as the disabilities of employees may be withheld**

Employers must create a conducive environment to encourage Persons with Disabilities to declare their disability, which must include creating awareness on the benefits of disability declaration and reasonable accommodation.

In addition, please note that there is a risk by allowing employers to determine whether a person has a disability or not – can you imagine an employer declaring somebody with a mental impairment and the person concerned feels otherwise.

We believe that the Employment Equity Sector Targets are Constitutional and the Labour Inspectors are sufficiently capacitated to advocate, inspect and enforce the Employment Equity Act and its Regulations.

Yours sincerely,



**Ms Ntsoaki Mamashela**

**Director: Employment Equity**

**Date:** 5/12/2025