

BEE CHAMBER

BEE CHAMBER MAGAZINE

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D I V E R S I T Y & I N C L U S I O N

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BEE Chamber *Magazine Foreword*

**A message from our Chief Support Officer & Editor:
Yuneal Padayachy**

The BEE Chamber is excited to be launching our
Second Issue of the BEE Chamber Magazine!

Welcome to our new issue in which the voices
of B-BBEE Transformation resonate louder
than ever before. It is with immense pride and
anticipation that we introduce to you our latest
issue of the BEE Chamber Magazine.

In the vibrant landscape of South Africa, where
diversity is not just celebrated but cherished, our
Magazine continues to be a beacon of change,
reflection, and progress.

In this issue, you will read articles that cover
Duties of a Designated Employer, Skills
Development strategies, comprehensive
B-BBEE Strategies, SMMEs are the driving
force to South Africa's Economic Growth and
many more to provoke, and ignite dialogue.

We extend our deepest gratitude to all those
who have contributed to the creation of Issue 2
of the BEE Chamber Magazine, from our expert
specialists and graphic design team to our
dedicated team behind the scenes.

But most importantly, we thank you, our
readers, for embarking on this journey with us.
Together, let us chart a course towards a righter,
more inclusive future for South Africa.

Happy reading!
Yours Sincerely, Yuneal Padayachy



B-BBEE Verification Certificate | Sworn Affidavit Collection

Manage the Challenge

The annual collection of B-BBEE Verification Certificates, CIPC EME B-BBEE Verification and Sworn Affidavits (B-BBEE Statuses) is one of the most arduous tasks in preparing for a B-BBEE Verification. It takes resources, patience, and consistent follow-up. Each valid B-BBEE Credential contributes to the overall scorecard, it is therefore necessary to meet procurement targets. It goes without saying that many Measured Entities choose to outsource this task; however, even when outsourced, there are challenges in encouraging suppliers to submit their updated B-BBEE Statuses.

A core reason for slow collection rates is that the supply chains of the majority of Measured Entities do not realise the importance of updating their B-BBEE Statuses, specifically those that only have to produce a Sworn Affidavit. Measured Entities must educate their supply chains on why they must update and submit their B-BBEE Statuses. In many cases, when a Measured Entity requests updated B-BBEE Statuses, a supplier, not understanding the rationale behind the request, may think it is red-flagged for other reasons. Alternatively, small suppliers, for example the healthcare sector, are not aware that their customers require them to supply B-BBEE Statuses.

Apart from suppliers that simply ghost a request for updated B-BBEE Statuses, collection timelines are an issue, so is incorrect or erroneously applied information on Sworn Affidavits, suppliers measured on the wrong scorecard, incorrect financial years applied, a supplier changing address and phone number without notice or going into liquidation, and the list goes on.

Planning is essential and time is always of the essence as soon as the B-BBEE Verification is scheduled. Each department or person submitting information for a B-BBEE Verification scrambles to collate, then submit their portion of the B-BBEE Scorecard information to the person that manages a Measured Entity's B-BBEE Verification process. In terms of B-BBEE Certificate collection, the process more often than not starts too late. To ensure that B-BBEE Statuses are collected accurately and timeously to meet the timeline for a B-BBEE Verification, Measured Entities must allow a generous timeline. In saying that, those at the top of the Transformation chain must manage their expectations on the total number of B-BBEE Statuses that they must collect against the B-BBEE Verification timeline.

The perfect timeline for the collection of B-BBEE Statuses is when a Measured Entity becomes a supplier. A robust Supplier Application process will ensure that the captured information is correct.

Measured Entities that successfully collect their updated B-BBEE Statuses, for the most, have educated their suppliers about why it is necessary to update B-BBEE Statuses annually. In many cases, Measured Entities provide a guide that outlines their Preferential Procurement Policy and the expectations of its suppliers. Some Measured Entities include a clause in the terms and conditions that obligate a supplier to update their statuses annually, failing which they would be nullified as a supplier. Thus, if a Measured Entity intended to procure goods or services from such a supplier in the future, the supplier would have to reapply to regain supplier status. Most importantly, the successful collection of updated B-BBEE Statuses depends on an adequate timeline, irrespective of whether the collection is done internally or outsourced.

Validity of B-BBEE Statuses:

At the time of a B-BBEE Verification, many organisations fail to produce updated B-BBEE Statuses from their suppliers, a B-BBEE Rating Agency will generally consider:

- Any B-BBEE status that is valid within the Measurement Period or thereafter;
- Most recent valid B-BBEE Status; and
- A B-BBEE status that is valid for at least one day in the Measurement Period due to differing Financial Year Ends as well as a customer and supplier not being measured at the same time.

B-BBEE statuses that have expired before the start of an organisation's Financial Year End will not be accepted.

Understanding the B-BBEE Status Validation Requirements

Below are the requirements that determine the validity of a B-BBEE Verification Certificate, Sworn Affidavits and CIPC EME B-BBEE Verification Certificates as per the B-BBEE Commission's Practice Guide 01 of 19 October 2022:

A. Determining the validity of a Sworn Affidavit

The following pointers are key in determining the validity of a Sworn Affidavit:

- Needs to be completed in full
- Name of deponent and the identity number
- Designation of the deponent - Director, Owner, or Member
- Name of Entity
- Percentage of Black ownership, Black female ownership, and designated group
- Indicate total revenue for the year under review and whether it is based on audited financial statements or financial statements
- Indicate the full financial year end (day/month/year) as per the enterprise's registration documents, which was used to determine the total revenue. This must be the recent financial year end
- B-BBEE Status level. An Entity can only have one status level
- Date deponent signed and date of Commissioner of Oath must be the same, If using the first dtic template for Sworn Affidavits, where provision is not made for Commissioner of Oath signature date, the date of the deponent will be regarded by default as the signature date for Commissioner of Oath
- Commissioner of Oath cannot be an employee or ex officio of the Entity. A person cannot by law, commission a Sworn Affidavit in which they have an interest

B. Determining the validity of a CIPC EME B-BBEE Verification Certificate

The following pointers are key in determining the validity of an EME B-BBEE Verification Certificate:

- Name of Entity, registration number and business address
- Date of issue and expiry
- The enterprise's status must be "In Business"
- Percentage of total Black ownership, Black female ownership, Black designated group ownership and total white ownership
- Certificate number
- Barcode with tracking number
- Barcode with Entity Registration number
- B-BBEE Status and Procurement Recognition Level
- the dtic logo and CIPC logo
- CIPC watermark

C. Determining the validity of a B-BBEE Verification Certificate

The following pointers are key in determining the validity of a B-BBEE Verification Certificate:

- The name and identifiable physical location(s) of the measured entity
- The registration and VAT number of the measured entity
- The dates of granting of the B-BBEE score the period of validity (initial issue date and revision date if applicable)
- The expiry date of the Verification Certificate
- A unique identification number including revision number if applicable
- The standard and/or normative document, including the issue and/or revision used to evaluate the client (amended codes / specialised or respective sector codes)
- The name and /or mark/logo of the B-BBEE Rating Agency
- The scorecard against which the measured entity has been verified (Generic / QSE)
- The Broad-Based BEE status level
- The SANAS Accreditation Symbol on the Verification Certificate
- The B-BBEE procurement recognition level
- Score per element including total points
- Black ownership percentage
 - Black Female ownership percentage
 - Black designated group ownership percentage
 - Black Youth ownership percentage
 - Black Disabled ownership percentage
 - Black Unemployed ownership percentage
 - Black People living in Rural areas ownership percentage
 - Black Military Veterans ownership percentage
 - Modified flow through has been applied - yes / no
 - Exclusion principle used - yes / no
 - Recent financial year end used (day/month/year)
 - Discounting principle used - yes / no
 - Empowering Supplier - yes / no
 - Name and signature of technical signatory
 - Amendments to certificate to be clearly documented
 - Consolidated certificate to state as such and refers to attachment of the Measured Entities that are consolidated with registration and vat numbers
 - Participated in Y.E.S Initiative - yes / no
 - Achieve Y.E.S Target and 2.5% Absorption - yes / no
 - Achieve 1.5 x Y.E.S Target and 5% Absorption - yes / no
 - Achieve Double Y.E.S Target and 5% Absorption - yes / no

D. Transport Sector Notes:

- No Sworn Affidavit concept for EMEs or relevant QSEs.
- EMEs have a choice of obtaining an accounting officer letter confirming Annual Total Revenue, Black Ownership and B-BBEE Status Level or get verified and be issued with a B-BBEE certificate by SANAS accredited B-BBEE Rating Agency

Who qualifies as a Technical Signatory?

Members are welcome to engage with the BEE Chamber to collect & validate Supplier B-BBEE Statuses on their behalf.

Bridget Themba:

Bridget Themba is the Certificate Services Manager at the BEE Chamber. She holds a Bachelor of Business Administration Degree in Human Resources Management & Marketing, a CompTIA Project+ Certificate and she is a PMI-Certified Associate in Project Management (CAPM). She has extensive knowledge about B-BBEE Certificate Validation. Bridget is responsible for all operations pertaining to the collection & validation, coordination, and quality control for the collection of B-BBEE Statuses on behalf of BEE Chamber Members.



- Not every person employed at a B-BBEE Rating Agency qualifies to be a Technical Signatory.
- A Technical Signatory must not only be declared competent by the B-BBEE Rating Agency they represent, but must have completed the B-BBEE Management Development Programme (MDP) through UNISA or Wits.
- A Technical Signatory is assessed by SANAS, whereby they confirm the competence of the individual.
- A critical part of the Technical Signatory criteria is that they are fully versed on all sets of B-BBEE Codes for which the B-BBEE Rating Agency they represent is accredited to perform.
- Notably, a proficient Technical Signatory will be versed on and align with the policies and procedures of the B-BBEE Rating Agency they represent, as well as the SANAS requirements relating to accreditation and compliance. Only then will a person be acknowledged as a Technical Signatory, which allows them to publish their name on the accreditation schedule of the B-BBEE Rating Agency they represent.
- To validate a B-BBEE Certificate, a Technical Signatory must sign it off before issuing it.

Empower Your Strategy:

BEE Chamber's Practitioner
Membership for B-BBEE
Professionals

**Strengthen your B-BBEE strategy with
expert advisory and resources.**

The Value

By joining the BEE Chamber's membership programme, you gain access to essential tools, templates, and ongoing educational opportunities tailored to B-BBEE Practitioners. Our comprehensive suite of resources and expert insights ensures you can manage and optimise B-BBEE processes effectively, keeping you compliant and informed.

The How

Our team offers on-demand guidance, extensive resource libraries, and continuous learning platforms. With weekly technical webinars, daily updates, and specialized tools, you'll enhance your B-BBEE knowledge and management capabilities. For those seeking advanced support, as part of the Practitioner Plus membership we provide strategic advisory services, rigorous data analysis, strategic planning sessions, quarterly scorecard reviews, and pre-audit assessments to ensure continuous regulatory alignment and compliance integrity.

The Gain

Experience unparalleled support in your B-BBEE compliance efforts. Access expert advice, essential resources, and advanced tools that enable you to:

- **Navigate B-BBEE Regulations:** Master the complexities of B-BBEE with our expert support, ensuring full compliance and strategic advantage.
- **Up-to-Date Insights:** Stay ahead with the latest updates on B-BBEE trends and changes.
- **Optimize Processes:** Improve efficiency and effectiveness with our specialized resources.
- **Deepen Proficiency:** Enhance your strategic capabilities through extensive educational materials and expert-led training sessions.
- **Design Effective Strategies:** Develop and implement impactful B-BBEE strategies with our strategic advisory support.
- **Comprehensive Scorecard Management:** Maintain strategic alignment with structured reviews.
- **Audit Assurance:** Ensure compliance integrity with meticulous pre-audit assessments.

Transform your B-BBEE management into a strategic asset with our comprehensive membership program. Partner with us to achieve and maintain the highest compliance standards, ensuring sustainable business growth and societal impact.

Choose BEE Chamber. Choose to make a difference.

Contact Us

If you would like to talk to us about a customised
ESD solution for your company
Please contact us on services@bee.co.za



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B-BBEE Skills Development: A Catalyst for Growth, Success, and Advancement in South Africa

30 years post democracy and South Africa still finds itself with the highest rate of unemployment.

According to the most recent Quarterly Labour Force Survey results for the fourth quarter of 2023 by Statistics South Africa, *the number of employed persons has decreased by 22 000 to 16.7 million in the fourth quarter of 2023* when compared to the third quarter. With The youth between the ages 15–34 years remaining the most vulnerable in the labour market; according to the fourth quarter results of 2023; *the total number of unemployed youth increased by 87 000 to 4.7 million while there was a decrease of 97 000 in the number of employed youth to 5.9 million.* This ultimately resulted in an *increase in the youth unemployment rate by 0.9 of a percentage point* from 43.4% in Q3: 2023 to 44.3% in Q4: 2023

The above figures are most likely to climb as the Matric Class of 2023 begin their post high school journey, but all is not lost. Corporate South Africa can play a role in decreasing the unemployment rate, upskilling the nation, and growing a struggling economy.

The Broad Based Black Economic Empowerment (B-BBEE) Framework plays a vital role in addressing the disparities of the past and promoting inclusive growth. Amongst the various elements, Skills Development sticks out as a quite powerful to drive forth change and transformation with a number of benefits for not only employees but employers and the broader economy as a whole.

Apart from being a priority element on the scorecard, Skills Development has numerous benefits for all stakeholders involved.

Let us explore more below:

1. Empowering Employees through B-BBEE and Skills Development

Skills Development initiatives empower employees by providing targeted training and education. These programmes equip individuals with the required skills to compete in the job market and advance their careers. Not only is training and development instrumental in addressing employment gaps but also contributes towards creating a more diversified and skilled workforce.

For Black employees, Skills Development paves the way for economic inclusion; a greater skill set increases the chances of employment and promotion, it fosters personal development and fosters economic independence.

With the above being said, Skills Development does not necessarily have to only be implemented for the sake of meeting B-BBEE Requirements. If your Skills Development Strategy is aligned with your Employment Equity Plan and your organisation's succession planning, then Skills Development should be applied across the whole organisation with B-BBEE points being additive!

A happy, motivated, educated, and upskilled workforce will almost certainly return the favour through increased production and productivity, which generally leads to more profits.

2. The benefits of investing in Skills Development for Organisations

Apart from the enhanced access to markets for B-BBEE Compliant organisations, there are additional benefits for organisations that invest in Training and Development of their workforce as well as individuals outside of the workforce such as unemployed youth. Some of these include an improved reputation amongst the various stakeholders; the investment into B-BBEE and Skills Development highlights an organisations dedication to Diversity and Inclusion and Transformation as a whole.

Organisations also benefit from an increase in employee engagement as well as employee retention and this goes hand in hand with empowering Black employees and individuals.

Another benefit of investing in Skills Development is access to funding, incentives, and rebates. Depending on the learning programme being implemented, organisations can claim section 12H rebates as well as the Employee Tax Incentive (ETI) for qualifying employees.

There are also Mandatory and Discretionary grants that are available from the various Sector Education and Training Authority's (SETA's) which can be used to fund your Skills Development programmes.

An organisation that fosters learning, development and innovation stands to gain from the enhanced skills that employees possess. A skilled workforce allows for organisations to keep up with the demands of constantly evolving industries allowing organisations to remain competitive and achieve overall long-term sustainability.

3. The Impact of Skills Development on the South African Economy

As mentioned above, South Africa has one of the highest unemployment rates which has detrimental effects on the economy. Through the training and development of the South African Workforce, The South African economy can benefit in a number of ways.

One of the ways that Skills Development can impact the economy is through economic empowerment. When individuals are trained and developed this can lead to career advancements which can open the doors for improved living standards, increased income, and wealth generation for Black people. This leads to a reduction in inequality by reducing the economic disparities amongst the various race groups in South Africa.

Skills Development also aids in Entrepreneurship which allows for job creation. Organisations can sponsor current and future entrepreneurs' and innovators training, development and mentoring to ensure the success of the SMME sector which creates thousands of jobs in the economy. The higher the success rate of small and medium enterprises, the more sustainable job opportunities. Having skilled individuals to occupy these job opportunities allows for a higher job retention rate.

A diversified and skilled workforce allows for increased global competitiveness. By fostering training, development and innovation South Africa can compete on a Global Scale, this may lead to an increase in foreign investment into the economy. An increase in investments into the South African economy also translates in Job Creation.

We then start to see that by promoting inclusive economic development through skills development, it contributes towards sustainable economic growth which ultimately leads to long term economic growth which benefits society as a whole.

Skills Development can take form through various initiatives which are as follows:

Employee Training and Development:

- By identifying the Skills Development gaps within your organisation, one can provide targeted training and development opportunities for Employees to advance their careers while simultaneously benefiting from the empowered employee's development.

Learnerships, Internships and Apprenticeships:

- Organisations can make use of the various Category B, C, D (Internships, Learnerships & Apprenticeships) learning programmes for unemployed individuals as well as for their current employees. These initiatives are aimed at facilitating the transition of unemployed young South Africans into the workforce by providing them with the various skills and experience required for entry level positions.

Enterprise and Supplier Development:

- Organisations can also use Skills Development towards other indicators on the B-BBEE scorecard such as Enterprise and Supplier Development by sponsoring Skills Development initiatives at beneficiary entities or even through educational support and mentoring for Entrepreneurs.

Collaboration with Training Providers and Education Institutions:

- Organisations that are not able to implement skills development internally can look at creating strategic partnerships with training providers and education institutions. By partnering with training providers, organisations can sponsor learnerships for unemployed individuals. Organisations also have the opportunity to sponsor skills development opportunities for Disabled Individuals, which already face increased difficulty securing opportunities to be a part of the economy. Organisations are also able to maximise their skills development points by implementing strategies that lead to the absorption of the learners.
- Organisations can also collaborate with Higher Education Institutions to implement bursaries for qualifying. This can also be used to create a database or pipeline for future employees by sponsoring priority skills required for the organisation or industry as a whole.

Community and Socio-Economic Development through Skills Development:

- The aim of Socio-Economic Development is the promotion of sustainable access to the economy through income generating activities. Skills Development form part of an Organisations Socio-Economic Development claim if organisations implement training and development initiatives for qualifying beneficiaries and beneficiary communities. This can be achieved through collaboration with training providers, setting up specialised skills hubs in underdeveloped areas, Scholarships and Bursaries, assisting community development centers with educational software and hardware amongst other initiatives.

Overall, the B-BBEE Act, B-BBEE Codes of Good Practice and B-BBEE Sector Codes of Good Practice exist to address the imbalances of the past and create an equal playing field for all in the South African economy by fostering economic growth, social inclusion, and sustainable development. The B-BBEE Legislation provides a framework that if implemented correctly can yield impressive results for all stakeholders involved. Skills Development plays a vital role in contributing to the growth, development, and sustainability of our economy. The greatest impact or results may not be seen immediately however the benefits will be felt for generations to come.

Miguel Correia:

Miguel Correia started his professional career as a Transformation Intern at Thebe Investment Corporation 8 years ago. Holding a BCom Degree in Strategic Management and being a qualified Skills Development Facilitator, he developed a passion for B-BBEE and Transformation during his internship, particularly focusing on skills development as a driver for sustainable economic transformation beyond compliance. He has had the privilege of consulting for diverse organisations across various sectors and also served as a Verification Analyst at BDO Verification Services.



B-BBEE and SMMEs are the driving force to South Africa's Economic Growth

The Department of Trade, Industry and Competition (the dtic) defines Broad-Based Black Economic Empowerment (B-BBEE) as empowering of all Black People including women, workers, youth and people living with disabilities and those that stay in rural areas through integrated socio-economic strategies that includes increasing the number of Black People that manage, own and control enterprises, facilitating ownership and management of the enterprise's human resource and skills development. Achieving equitable representation in all occupational categories and levels in the workforce, preferential procurement, investments in businesses that are owned and managed by Black People which according to the B-BBEE legislation includes Africans, Coloureds & Indians who are citizens of the republic of South Africa by birth, descent, or naturalisation.

The objectives of the B-BBEE are to promote economic transformation and enable meaningful participation of Black

People in the South African Economy through increased participation in ownership and management structures, skills development and being involved in investments of Small, Micro, and Medium Enterprises (SMMEs) and the community in economic activities B-BBEE seeks or aims to redress the historic inequalities of the past created as a result of the implementation of Apartheid in South Africa, combat poverty and reduce unemployment.

B-BBEE Legislation seeks to increase the participation of Black People in the South African economy through various initiatives within the private and public sector.

When we look at the statistics, the contribution of SMMEs to South Africa's economy is huge. The most recent annual statistics survey by Stats SA for 2019, showed that SMMEs contributed approximately 22% of all business turnover in South Africa, which is R2.3 trillion of a total R10.5 trillion. In the same year, it was responsible for creating just over ten million jobs. The ability to provide employment is one of the biggest ways that small businesses contribute to South Africa's economy. They are effectively the "wheels to the economy", that stimulate growth and add value to the country, says Viresh Harduth, Vice President, Small Business, Sage Africa, and Middle East.

Some Challenges faced by the B-BBEE Legislation

B-BBEE is meant to be one of the tools to achieve equality in the South African Economy, but there are still major challenges with the current way of implementation of the B-BBEE initiatives. Challenges which include data showing that transformation is too slow across the board, considering there being almost 30 years of democracy and 20 years of B-BBEE legislation, and given the extreme inequality, unemployment and poverty that persists.

A drive must be implemented to educate organisations about the elements of the B-BBEE scorecard and the impact it can have on individuals and organisations.

B-BBEE and SMMEs

The Objectives of B-BBEE include improving the economic position of Black People in South Africa and creating a more inclusive, diverse, and competitive business environment. It addresses previous imbalances to create a more competitive and innovative business environment and promote economic growth and social development for all. According to the dtic, B-BBEE Legislation is not only an initiative to redress the inequalities of the past but to use it as a strategy that aims to realise the full economic potential of our country while driving towards including Black People in the mainstream economy.

B-BBEE encourages larger companies to prioritise SMMEs, specifically Black Owned SMMEs, as suppliers giving them a chance to compete and secure valuable contracts, this will in return increase their sales and growth allowing them to hire more employees and contributing more to the economy.

B-BBEE unlocks funding opportunities for SMMEs such as grants and Skills Development programmes which helps SMMEs become more competitive and sustainable in the economy by creating vital opportunities in the South African market.



Socio-Economic challenges faced in South Africa and how B-BBEE and SMME's can play a role in addressing these challenges.

1. High unemployment rate

According to StatsSA As of the fourth quarter of 2023, the nemployment rate in South Africa stood at **32.1%**. Most unemployed individuals had an education level below matric (grade 12), while those that had finished their matric year represented around **34%**. Graduates had the lowest share of unemployment at approximately **10%**.

High unemployment remains the key challenge for South Africa as we struggle to generate sufficient jobs. To address these challenges, South Africa needs additive policies that promotes Entrepreneurship linked to Enterprise development programmes which ensures that their survival and expansion is guaranteed, as well as creation of many new SMMEs as this would have the most impact on unemployment.

In the past South Africa had focused on building high skills and high wages while ignoring the reality of unskilled and in experi-enced job seekers. We need an environment that encourages organi-sations to make and sell goods and services with the workforce they currently have and not the workforce they wished they had. All the five pillars of the scorecard including the Youth Empowerment Service (YES) initiative can assist in reducing the high unemployment rate in the economy.

2. Poverty and inequality

The world bank noted that South Africa is the most unequal country in the world, **which race plays a determining factor in the society where 10% of the population owns more than 80% of the wealth.**

To address these issues of poverty and inequality the country adopted a variety of programmes, including the use of fiscal policy to assist redistributive measures.

The Key to overcoming inequality is equalizing workers' wages and salaries, this is now where the management control element of the scorecard attempts to reduce the inequality.

The expansion of social grants has had a strong equalizing effect in the country, but this effect has been offset by the much bigger role that salary inequality plays. Reducing South Africa's high inequality will also require improving education to provide the poor with skills that are required to meaningfully participate in a capital and skills intensive economy, the skills development in the B-BBEE scorecard will then come into play.

This will need to be completed by policy intervention that spur additional growth and provide the fiscal space to finance these reforms, without the policy interventions modelled into the economic update, we would not be able to attain our developmental targets outlined in the National Development Plan (NDP) of creating sufficient jobs, eradicating poverty and reducing inequality.

Socio-Economic challenges faced in South Africa and how B-BBEE and SMME's can play a role in addressing these challenges.

SMMEs and how they address challenges faced by the economy.

SMMEs play a crucial role in driving economic growth and development in South Africa. These enterprises, often referred to as the backbone of the economy, contribute significantly to job creation, innovation, and overall prosperity. Here are a few areas for SMMEs to focus on:

1. Job Creation

SMMEs are powerful engines of job creation in South Africa, they account for a substantial portion of employment opportunities, particularly for individuals who might struggle to secure jobs in larger corporations. As SMMEs expand and thrive, they contribute to reducing unemployment rate and alleviating poverty. The nature of SMMEs allows them to adapt quickly to changing market demands resulting in more agile hiring processes.

2. Innovation and entrepreneurship

Innovation is at the heights of SMMEs, driving competitiveness and growth. The enterprises often operate in niche markets, where their agility enables them to experiment with innovative ideas and approaches. By doing so they contribute to the culture of entrepreneurship and creativity, fostering a climate that encourages risk-taking and the pursuit of innovative solutions. SMMEs also tend to work closely with universities, research institutions and other stakeholders which further fuels the spirit of innovation.

3. Skills Development

SMMEs offer fertile ground for skills development and capacity building due to their smaller size, employees often wear multiple hats, gaining broader skills set and valuable experience. This diverse experience equips workers with transferable skills that can be beneficial throughout their careers, additionally, the learning environment in SMMEs tends to be more hands-on and collaborative facilitating knowledge sharing and skills advancement.

B-BBEE and SMMEs are the driving force behind South Africa's economic growth and development. Their contribution spans across various dimensions, from job creation, skills development, innovation, entrepreneurship, and diversification. Recognizing the pivotal role of B-BBEE and SMMEs and providing these initiatives with necessary support can further strengthen the nation's economic resilience and prosperity. As South Africa moves forward, nurturing and fostering the growth of these enterprises and supporting the B-BBEE initiatives will undoubtedly remain a priority for a thriving economy.



Zanele Shabangu:

Zanele Shabangu is one of the B-BBEE consultants at the BEE Chamber and she holds a degree in Business Administration, an honours degree in Business Management and is currently in the process of completing her Master's Degree in Business Administration (MBA). She is responsible for advising on B-BBEE related queries for any organisation that wishes to comply with the B-BBEE legislation. She is also involved in assisting companies with B-BBEE Verification Preparation and score progress monitoring.

Unlock Growth Potential with *BEE Chamber's ESD Expertise*

Maximise your B-BBEE investment with strategic ESD guidance. We help you invest meaningfully for long-term sustainability.

The Value

Make ESD count by integrating it strategically with your business proposition, ensuring a meaningful and sustainable investment. With our guidance, you can integrate ESD seamlessly, transforming beneficiaries and meeting B-BBEE targets effectively.

The How

Our ESD framework encompasses strategic alignment, needs analysis, and development plans, all managed with transparency. We ensure compliance and provide verification evidence, simplifying the ESD process.

The Gain

Experience sustainable growth as a result of our strategic ESD approach, fostering innovation and development.

Choose BEE Chamber. Choose to make a difference.

Contact Us

If you would like to talk to us about a customised ESD solution for your company
Please contact us on services@bee.co.za



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Duties Of A Designated Employer

According to the Employment Equity Act No. 55 of 1998, as Amended (EEA), if an organisation fits the definition of a 'Designated Employer', it is obligated to perform the duties outlined in sections 16 through to 26 of the Act. Failure to perform these duties puts a Designated Employer at risk of having a fine imposed according to Schedule 1 of the EEA. Fines can range between R1.5m and 10% of an organisation's turnover, depending on the type and number of contraventions.

The Amendments to the EEA was signed into law in 2023, but an effective date has not been gazetted. Therefore, the EEA as amended in 2013, which came into effect in 2014, stands, and is what companies will be evaluated against. In this article, we unpack both what is currently in place, as well as the implications of the 2023 amendments once they become effective.

One of the major amendments to the EEA is that it will make provision for the Minister of Employment and Labour to determine Sectoral Targets to accelerate the pace of transformation in the country. Two rounds of Draft Sectoral Targets have been gazetted, the first round in 2023 and the second round in February 2024. The second draft was out for public comment until 30 April 2024.

Currently, the EEA defines a Designated Employer as an organisation with 50 or more employees; or a business with less than 50 employees but a turnover that exceeds a specified threshold based on the sector it falls within. When the amendments become effective, smaller businesses with less than 50 employees will no longer be deemed to be Designated Employers. The implication is that the duties of a designated employer outlined in this article, will no longer apply to them. In the interim, however, it is paramount that small businesses which currently meet the turnover threshold, continue to ensure that they remain compliant in terms of implementing the duties of a designated employer outlined in this article – this is currently still what they will be evaluated against, and the Department of Employment and Labour (DoEL) continues to inspect such companies.

During an inspection, the DoEL will assess whether a Designated Employer complies with the following duties in line with the EEA requirements:

Sections 16, 17 and 18 outline the duty to consult with employees. For this purpose, a Forum must be established with a membership that includes representatives of recognised trade unions, as well as nominated staff representatives from all Employment Equity (EE) levels. The role of the Forum is to assist in the analysis of a Designated Employer's current situation (section 19 which follows). It further provides a platform for consultation on the Designated Employer's EE Plan (section 20 that follows), and the EE Report (section 21 that follows).

- During an inspection, a Designated Employer must provide proof of consultation, which must include evidence of the nomination process, as well as agendas, minutes and attendance registers for meetings, which should occur at least quarterly.

Section 19 obligates a Designated Employer to:

- Identify any barriers in policies, procedures or practices which may adversely impact Designated Groups, namely African, Coloured and Indian People, as well as women and persons with disabilities, the latter two including White People (i.e. White women and White persons with disabilities);
- Identify Affirmative Action measures to overcome any barriers identified;
- Ascertain the degree of alignment of its employee profile across each EE level with the most recently published Economically Active Population (EAP) statistics. A Designated Employer must record the results of the analysis on the EEA12 template. The EEA12 but must be available if requested during an inspection.

As mentioned, one of the major changes will be the implementation of Sectoral Targets. Once this becomes effective, designated employers will also need to compare their representation per EE level to the final Sectoral Targets, which will be gazetted before the amendments can become effective.

Section 20 stipulates that a Designated Employer must develop an EE Plan to address any barriers and under-representation of specific groups identified during the analysis required in section 19. An EE Plan guides transformation and should follow the format of the EEA13 template as a minimum requirement, as follows:

- The duration of the EE Plan must be between one and five years and include the barrier analysis and Affirmative Action measures to overcome the barriers. It must indicate the timeframes for the implementation thereof, as well as the positions of the employees responsible for implementing the measures.
- A Designated Employer must set numerical goals and targets to include the aspirational racial, gender and disability profile per EE level for each year and must indicate strategies to achieve these goals and targets. When the Sectoral Targets become effective, these goals need to be set such that they will meet the Sectoral Targets as a minimum. It is important to note that both the Economic Active Population (EAP) statistics and the Sectoral Targets will then apply as benchmarks – the Sectoral Targets intended to indicate interim targets towards meeting the EAP targets. Therefore, if companies set their sights on the EAP, they will surely also meet the Sectoral Targets.
- An EE Plan must include the process to monitor achievements against the objectives as outlined in the plan.
- Furthermore, a transparent process is required to resolve disputes arising from the interpretation and implementation of the EE Plan.
- Lastly, it must indicate the senior manager appointed in terms of Section 24 which follows.

As with the EEA12, the EEA13 does not accompany the annual submission to the DoEL but must be available upon request during an inspection.

Section 21 requires a Designated Employer to report its EE progress to the DoEL annually. The deadline is 1st October if submitting the report manually; or 15 January of the following year for online submissions. For reporting, a Designated Employer must complete and submit the EEA2 and an EEA4 form. The information necessary is as follows:

- A snapshot of the workforce profile on the last day of the Designated Employer's chosen EE reporting period, categorised by EE level, race, gender and disability status.
- Workforce movement for the reporting period per EE level, race and gender, including recruitments, promotions and terminations.
- A breakdown of the Beneficiaries of Skills Development interventions, again per EE level, race and gender.
- A summary of identified barriers taken from the EE Plan, including an estimate of the dates when Affirmative Action measures are earmarked for implementation.
- An Income Differential Statement (EEA4). The aim is to identify unfair discrimination in employment terms and conditions.

Once the amendments become effective, the workforce profile in the EE Report will be used by the Department to determine whether the company has met its own targets towards EAP and the Sectoral Targets. Should the company not have been able to meet their targets, they will need to be able to justify this, based on the accepted justifications outlined in the regulations. This will affect their ability to obtain a certificate of compliance with the EEA (as contained in the amendments to become effective shortly), which will in turn affect their ability to tender for government business. Even though it will not be a legislative requirement there is also the possibility that businesses in general may require the same certificate from their suppliers.

Sections 22 through to 26 stipulate that a Designated Employer must:

- Publish a summary of its EE Report – in the EEA10 format – in its Annual Financial Report, as section 22 indicates.
- Develop a successive EE Plan before the current plan expires, as per section 23.
- Officially assign and provide a formal mandate to at least one Senior EE Manager overseeing the implementation of the EE Plan, as per section 24.
- Inform employees about the provisions in the EEA, as well as the content of the EE Plan and EE Report. Such communication must include any legislative actions against the Designated Employer concerning the provisions of the EEA, as per section 25.
- Keep accurate records of all EE related documents and data, as per section 26.



As indicated, there are various fines for different contraventions of the above sections, and it is important to note that fines imposed are per contravention. The following 12 steps guide Designated Employers in remaining compliant:

- | | |
|--|---|
| 1. Appoint an EE Manager; | 10. Publish a summary of the EE Report in the Annual Financial Statements. (This only applies to publicly listed Designated Employers); |
| 2. Establish and train the EE Forum; | 11. Communicate Employment Equity-related information to employees throughout the process; and |
| 3. Perform an analysis (EEA12); | 12. Keep accurate records relating to every aspect of the implementation process. |
| 4. Develop an EE Plan (EEA13); | |
| 5. Consult on the EE Plan with the EE Forum; | |
| 6. Finalise the EE Plan; | |
| 7. Prepare the EE Report; | |
| 8. Consult on the EE Report with the Forum; | |
| 9. Report the progress in implementing the EE Plan to the DoEL, by submitting their EEA2 and EEA4; | |

Following these steps will provide peace of mind that a DoEL inspection will go smoothly, with limited findings and recommendations, thereby lessening the risk of penalties.

Frik Boonzaaier:

Frik Boonzaaier is a Human Capital Specialist at the BEE Chamber. During his career, he has worked with many national and multinational market leaders. His expertise in the field equips him to chart a course of transformation for organisations by identifying relevant stakeholders whose decisions impact their ability to transform. Frik's aptitude for formulating sustainable strategies aligns his clients' KPIs, training and policies with their transformation goals. However, the area of his work that he finds most rewarding is implementation, whereby tracking mechanisms yield tangible results that filter positive change throughout an organisation.



Empower Dreams:

BEE Chamber's Bursary Programme Management for a Brighter Future

Our Bursary Programme management not only assists in developing young talent but also positions your company as a leader in social responsibility and B-BBEE compliance.

The Value

By utilizing the BEE Chamber's Bursary Programme Management service, companies can streamline bursary administration, enhance their corporate social responsibility profile, access future skilled talent, and ensure compliance and B-BBEE verification ease, all contributing to sustainable business growth and societal impact.

The How

Our team expertly manages all facets of bursary administration, including rigorous candidate selection and verification. We ensure seamless execution, leaving no stone unturned from evidence collection to financial management, all tailored to your company's needs.

The Gain

Secure a strategic advantage by investing in the education of future talents, aligning with long-term business goals and creating a pipeline of skilled professionals.

Choose BEE Chamber. Choose to make a difference.

Contact Us

If you would like to talk to us about a customised bursary solution for your company

Please contact us on services@bee.co.za



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Empowering a Nation:

The Impact of Broad-Based Black Economic Empowerment in South Africa

In the vibrant tapestry of South Africa's post-apartheid landscape, Broad-Based Black Economic Empowerment (B-BBEE) stands out as beacons of hope and transformation. Enacted by the government, the goal of B-BBEE is to redress the historical economic disparities in the country by fostering inclusive growth, driving meaningful participation of Black South Africans in the economy, and promoting social cohesion.

But what exactly is B-BBEE, and how does it shape the economic landscape of this diverse nation?

Understanding B-BBEE:

B-BBEE is not merely a policy; it is a vision for a more equitable South Africa. At its core, B-BBEE seeks to recover from the legacy of apartheid's systemic barriers that have long hindered the economic advancement of Black South Africans. It encompasses various elements, including ownership, management control, skills development, enterprise and supplier development, and socio-economic development which make up a corporate scorecard giving recognition to companies that elect to adopt the policy and hold B-BBEE credentials. B-BBEE credentials are used by clients and customers to score B-BBEE points on the Preferential Procurement element of their B-BBEE scorecard. The better the B-BBEE credentials of a service provider or supplier, the more preferential procurement points are claimable. The result of the preferential procurement scoring principle is pressure from clients and customers to adopt and secure better B-BBEE credentials.

The Impact on the South African Economy:

B-BBEE serves as a catalyst for economic transformation, unlocking the potential of previously marginalized segments of society by broadening the skills base and opening opportunities to previously excluded or limited individual and corporate citizens. By promoting black ownership and participation in key sectors of the economy, B-BBEE drives diversity, equity and inclusion encouraging innovation, fostering entrepreneurship, and creating a more inclusive business environment.

Moreover, by prioritising skills development and enterprise growth within communities, B-BBEE cultivates a vibrant ecosystem of empowered individuals and new growth businesses, fuelling economic prosperity across the nation.

Specifically, By targeting Skills Development of individuals and incentivising a larger market share by Small, Micro and Medium Enterprises (SMMEs), B-BBEE is designed to enhance net job creation and move towards an economy representative of the demographics of the

country. SMMEs and mid-sized companies are the backbone of the global economy. They create close to 70% of jobs and Gross Domestic Product (GDP) worldwide. More important than holding the majority of jobs in low income and emerging economies, SMMEs make a key contribution to the net creation of jobs, especially smaller and young firms.

There is a widely held view that, due to their shorter life span, SMMEs do not generate many jobs, but according to the study, this is not true: 50 per cent of total employment creation comes from enterprises with less than 100 employees. Job growth not only comes from existing companies but also from newly-created firms, especially those that grow very fast in the first years of activity. These start-ups amount to a relatively small share of all companies, but it is estimated that they account for quite a large share of the total job creation. Recent studies show this is indeed the case in developed countries.

The International Labour Organization (ILO) and the German Agency for International Cooperation (GIZ) published a study analysing the impact of SMMEs over job creation and poverty reduction in developing countries, and the results are quite encouraging. The research points to a similar conclusion for emerging economies, where small firms tend to grow faster than large ones.

The B-BBEE scorecard incentivises a higher procurement spend with SMMEs (referred to as Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprises (QSEs)), which is currently driving SMME procurement share from an estimated 10% in 2007 towards the target of 30%. The scorecard incentivises a skills development spend of 6% of total payroll increasing the amount of training from an estimated base of 1% in 2007. Combined, these key drivers are intended to create a stronger and broader skills base and a broader growth job market.

Key Considerations for Success:

While B-BBEE holds immense promise, its effectiveness hinges on several critical factors. Globally, a favourable macro-economic climate, but domestically effective implementation and enforcement mechanisms are vital to ensure compliance and accountability across all sectors. Transparent reporting and monitoring mechanisms are essential to track progress and address any disparities or loopholes that may arise. Additionally, collaboration between the public and private sectors, as well as civil society, is crucial to maximize the impact of B-BBEE initiatives and foster sustainable development.

Looking Ahead:

As South Africa charts its course towards a more inclusive and prosperous future, the significance of B-BBEE cannot be overstated. By embracing the principles of fairness, equality, and opportunity, B-BBEE not only transforms individual lives but also strengthens the fabric of the nation. As we continue on this journey of economic empowerment, it is critical that the country remains steadfast in its commitment to building a more just and equitable society for all South Africans.

In conclusion, B-BBEE represents a bold and visionary approach to economic empowerment in South Africa. By addressing historical injustices and fostering inclusive growth, this policy not only drives economic transformation but also paves the way for a brighter, more prosperous future for all citizens of this remarkable nation.

Andrew Bizzell:

Andrew has a BSc in Business Studies from Oxford Brookes University and is one of the founders of BEESA. He is also the founder of the Institute of Enterprise Development, a non-profit solution to provide financial and non-financial support to qualifying enterprise development beneficiaries.



Unlocking business success:

The crucial role of a comprehensive B-BBEE Strategy

The history of South Africa has resulted in a disparity in economic and opportunities disparity based on race and has resulted in many Black people in South Africa not enjoying the same opportunities presented to the rest of the country. The purpose of Broad Based Black Economic Empowerment (B-BBEE) is therefore to bridge the gap between formal and substantive equality to ensure that all people in South Africa enjoy the right to equality.

And in today's dynamic business landscape, understanding and implementing a robust B-BBEE strategy is paramount as it not only enables businesses to meet regulatory requirements but also creates opportunities for sustainable development and equitable participation in the economy which should go hand-in-hand with achieving your B-BBEE goals and reach the B-BBEE levels you need for your business.

In this article, we expand on the importance of having a well-crafted B-BBEE strategy in place. B-BBEE transformation involves a comprehensive and sustained effort that goes beyond compliance and is closely tied to the development and implementation of a comprehensive B-BBEE strategy, aiming to create lasting positive impacts on individuals, communities, and the broader economy. It requires a commitment to social responsibility, inclusivity, and shared economic prosperity. Companies need to integrate these principles into their business operations and corporate culture to contribute meaningfully to B-BBEE objectives.

The below considers what businesses need to know to navigate this crucial aspect of their operations successfully.

Understanding B-BBEE:

B-BBEE is a multifaceted framework aimed at redressing historical inequalities by promoting the economic empowerment of previously disadvantaged individuals, particularly Black South Africans. It encompasses various elements, including Ownership, Management Control, Skills Development, Enterprise and Supplier Development, and Socio-Economic Development. Compliance with the B-BBEE Legislation is a strategic imperative for businesses seeking to thrive in a diverse and inclusive business environment.

Leadership Commitment:

A successful B-BBEE strategy begins with unwavering commitment from senior leadership. Executives must champion the cause of economic transformation and embed B-BBEE principles into the organisation's core values and strategic objectives.

Stakeholder Engagement:

Engaging stakeholders, including employees, customers, suppliers, and communities, is essential for garnering support and fostering collaboration. Organisations should communicate their B-BBEE initiatives transparently and solicit feedback to ensure alignment with stakeholder expectations.

Getting started

The first step in formulating a B-BBEE strategy is to set clear goals. These goals should include the aim to maintain or improve your B-BBEE status, align initiatives with your transformation plan, and integrate B-BBEE with your overall business strategy.

Analysis

To move forward effectively, a business must conduct a comprehensive assessment of its current B-BBEE results and scoring and identify areas for improvement. This will lead to identifying shortfalls and gaps in the current strategy and assess potential risks and how they might affect the business. Develop a clear roadmap with specific goals, timelines, and performance indicators to guide implementation efforts. Be prepared to adapt to any necessary changes in your business operations, this is essential for success.

Objectives

Define clear objectives for the B-BBEE strategy. Plan and implement new initiatives that align with the business goals and consider the budget constraints and allocate resources wisely. Ensure that responsible parties within the business understand both what needs to be done and why it is crucial for business success. Foster a culture of accountability and transparency within your organisation by establishing mechanisms for reporting and tracking progress on B-BBEE initiatives. Hold leaders and employees accountable for their roles in advancing B-BBEE objectives.

Implementation plans and timelines

Determine what is practical and feasible within your business. Research challenges commonly faced in your industry regarding B-BBEE compliance and then lay the groundwork with thorough preparation to minimise disruptions during implementation. Regularly monitor and evaluate the effectiveness of your B-BBEE initiatives against predetermined targets – but also understand that you may need to be nimble and adjust to get the right plans in place.

Strategic Considerations

Per Element

Ownership:

Recognise that ownership is a long-term commitment. Manage associated risks wisely, understanding that there is no one-size-fits-all solution. Ensure that Black ownership is meaningful and leads to active participation in decision-making processes, rather than being symbolic. Once you find the correct ownership structure, it can yield a return on investment (ROI) and ensure the longevity of your B-BBEE initiatives.

Action Points:

- Identify opportunities for Black ownership participation through equity transactions, share schemes, or partnerships.
- Ensure that Black shareholders have a genuine and substantial stake in the company's ownership structure.
- Develop mechanisms to retain Black ownership over the long term, such as vesting schedules or buy-back options.
- Seek strategic Black investors who can contribute not only capital but also industry expertise and networks to drive business growth.

Management Control:

Consider reviewing your human capital environment to identify skills gaps and operational challenges. Programmes like Learnerships, Apprenticeships, Internships, or the Youth Employment Service (Y.E.S) initiative can help address these issues. Implement inclusive recruitment, retention, and promotion practices to ensure that Black employees have equal opportunities for career advancement.

Action Points:

- Implement mentorship programmes and leadership development initiatives to groom Black talent for management roles.
- Establish clear pathways for career advancement and succession planning to promote diversity in leadership.
- Foster a culture of inclusivity and diversity where all employees feel valued and empowered to contribute.
- Monitor and track the representation of Black individuals in senior management positions and take proactive steps to address disparities.

Skills Development:

Skills Development is linking training initiatives to career development, alignment with the needs of both individuals and the business. Businesses can facilitate opportunities for Black people and employees, either within a measured entity or through placement in suppliers or Enterprise and Supplier Development (ESD) beneficiaries. By investing in Bursary, Learnership, Apprenticeship and Internship programmes to develop future workforce members, businesses can build capacity in areas with a shortage of skilled Black Professionals.

Action Points:

- Conduct a skills gap analysis to identify areas where investments in training and development are most needed.
- Design training programmes that target critical skills shortages and promote the advancement of Black employees/individuals.
- Leverage partnerships with educational institutions, industry associations, and training providers to access specialised expertise and resources.
- Implement continuous learning initiatives that enable employees to upskill and adapt to changing technologies and market dynamics.

Preferential Procurement:

Review your current procurement strategy and identify opportunities for future supplier diversity in alignment with your Enterprise Development (ED) programme. Consider timeframes for implementation and apply pressure to your non-compliant suppliers. By increasing spend with micro and small businesses, you will enhance your B-BBEE score.

Action Points:

- Identify Black Owned Suppliers and Enterprises that align with the organisation's procurement needs and quality standards.
- Monitor supplier performance and impact, and continuously evaluate and improve supplier diversity programmes.

Enterprise and Supplier Development (ESD) and Socio-economic Development (SED):

Evaluate if the SED initiatives currently in place can support the business objectives. Connect an SED programme with the ESD programme by planning for the absorption of SED beneficiaries into the business supply chain. Make job creation a condition for support given to ESD beneficiaries.

Action Points:

- Provide capacity-building support, mentorship, and access to markets to help Black Owned businesses grow and thrive.
- Establish long-term partnerships based on mutual trust, transparency, and shared objectives.
- Identify key socio-economic challenges in the communities where the organisation operates and prioritise interventions that have a meaningful impact.
- Collaborate with local stakeholders, including government agencies, NGOs, and community leaders, to leverage resources and expertise.
- Implement targeted projects in areas such as education, healthcare, infrastructure, and job creation to address specific community needs.
- Measure and communicate the social impact of Socio-economic Development initiatives to stakeholders and continuously seek ways to enhance effectiveness and sustainability.

A well-thought-out B-BBEE strategy is not just a compliance requirement but a strategic imperative. By aligning B-BBEE initiatives with your overall business goals and considering these key elements, businesses will not only maintain their competitiveness but also drive sustainable growth and empowerment in South Africa.



Reona Strydom:

Reona Strydom is a Technical Specialist at the BEE Chamber and is recognised as a competent Technical Signatory. She holds a B.Com Degree in Tourism and Marketing Management from the North-West University, Potchefstroom. She is exceptionally versed in all areas of B-BBEE, from The B-BBEE Act to all published Codes of Good Practice, including all Peripheral legislation feeding it. Her career in the B-BBEE space, which began more than a decade ago as a Verification Analyst. During this time, she has distinguished herself as an analytical thinker with a unique ability to amalgamate each piece of legislation's requirements to support BEE Chamber members in driving their B-BBEE Strategy.

