

BEE - DEFINITIONS DEFINED

Quite often we are asked how the various elements of the scorecard interpret certain definitions as this is not always aligned to the various acts such as the EE and SDL & SDLA. As the '*trumping*' clause is now in effect as BEE practitioners we have to enforce all definitions as prescribed in terms of section 9 (5) of the Broad-Based Black Economic Empowerment Amendment Act 2003, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013. Below are some definitions as prescribed:-

Black New Entrant - A black participant(s) (which includes without limitation, black participants in broad-based ownership schemes) holding in aggregate in excess of 2% of the total voting rights and economic interest in a measured enterprises who has not, prior to their acquisition of their equity interest in a measured enterprise, concluded similar transactions in respect of any other enterprise, which in aggregate have a cumulative value of R50million measured in accordance with an acceptable valuation standard.

Black Unemployed People - Black people who are unemployed and are not attending or are not required by law to attend an educational institution and who are not awaiting admission to an educational institution.

Designated groups

- a) Means unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution
- b) Black people who are youth as defined in the National Youth Commission Act of 1996;
- c) Black people who are persons with disabilities as defined in the Codes of Good Practice on employment of people with disability issued under Employment Equity Act;
- d) Black people living in rural and under-developed areas.

Learnership - As defined in the Skills Development Act, a structured learning component which: includes

practical work experience of a specified nature and duration; would lead to a qualification registered by the South African Qualifications Authority and related to an occupation; and would be registered with the Director-General in the prescribed manner.

Senior Management - Managers who plan, direct and co-ordinate the activities of a business and who have the authority to hire, discipline and dismiss employees but excludes all employees who fall within the definition of Executive Management.

Middle Management - The level of management below Senior Management and includes people who possess a high level of professional knowledge and experience in their chosen field.

Junior Management - The level of management below Middle Management and includes academically qualified workers who possess technical knowledge and experience in their chosen field.

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