
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**NOTICE 3912 OF 2026****PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA****NO.****XXXX 2026****MS NOBUNTU HLAZO-WEBSTER, MP****NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT BILL, NAMELY THE EMPLOYMENT EQUITY AMENDMENT BILL, 2026**

Ms Nobuntu Hlazo-Webster, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), intends to introduce the Employment Equity Amendment Bill, 2026 ("the draft Bill") in the National Assembly of Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

The draft Bill aims to eliminate certain employment practices that undermine the constitutional and statutory objectives of equality and fair labour practice, and that prevent the effective realisation of equal pay for work of equal value.

It intends to do this by:

1. Prohibiting any enquiry during recruitment or appointment processes into the current or past salary of a job applicant to determine their salary upon appointment; and
2. Promoting pay transparency in employment practices by providing for:
 - a. The objective determination of remuneration during job classification, grading or evaluation processes;
 - b. The disclosure upfront of the remuneration or remuneration range that an employer intends to pay for any vacancy, internal promotion or transfer opportunity; and
 - c. An employee's right to request and share information regarding the range of remuneration paid for the position in which they are currently employed or for the position for which they want to apply.

Section 23(1) of the Constitution entrenches the right of everyone to fair labour practices. Section 9 provides for the right to equality and non-discrimination. The Employment Equity Act, 1998 (Act No. 55 of 1998) ("the Act"), was enacted to give effect to these rights in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination.

Since then, the promotion of equal pay for work of equal value has advanced in line with international law. In 2000, South Africa ratified the International Labour Organisation Convention, 1951 (No. 100) concerning Equal Remuneration.¹ Section 3 of the Employment Equity Amendment Act, 2013 (Act No. 47 of 2013), subsequently introduced section 6(4) into the Act to promote equal pay for work of equal value. Section 6(4) provides that a difference in terms and conditions of employment between employees of the same employer performing the same or substantially the same work or work of equal value, based on any of the listed

¹ To date, 175 of the 187 International Labour Organisation member states have signed this Convention.

grounds referred to in section 6(1) of the Act, is unfair discrimination. The Code of Good Practice on Equal Pay/Remuneration for Work of Equal Value issued in 2015 provides a guide to employers and employees on how to apply the principle of equal pay/remuneration for work of equal value in their workplaces. In addition, the Employment Equity Regulations, 2025 prescribe the criteria and methodology for assessing work of equal value, as envisaged by section 6(5) of the Act.

Despite these advancements, many employees continue to face employment practices that prevent the realisation of equal pay for work of equal value. The draft Bill is directed at two such practices that perpetuate cycles of economic exclusion.

The first is the widespread reliance on an applicant's current or past salary to determine their salary in a new role. Job applicants remain entrapped by low wages for life if prospective employers determine their remuneration based on previous salaries tainted by historic bias.

The second involves the lack of pay transparency in employment practices. Not determining the remuneration for every job or position on an objective basis, and not disclosing proposed remuneration or clear remuneration ranges during recruitment and appointment processes, disempower applicants for jobs, transfers and promotions. This is exacerbated if employees and applicants are not free to request or share remuneration information. A lack of pay transparency deters qualified applicants from applying for jobs, promotions and transfers, and limits their ability to negotiate fairly during recruitment and appointment processes.

The combined impact of relying on current or past remuneration information and the lack of pay transparency reduces mobility for talented individuals and contributes to their underpayment once employed. This entrenches inequality and diminishes trust in the labour market. Given South Africa's history of pay discrimination, this impact is felt disproportionately along lines of race, gender and disability.

By prohibiting the reliance on current or past remuneration information and promoting pay transparency, the draft Bill accordingly seeks to encourage a job market that is more equitable and more competitive. It seeks to address persistent salary disparities based on race, gender and disability by creating the opportunity for previously disadvantaged applicants to escape the impact of past pay discrimination through prohibiting reliance on their current or past pay. It empowers all applicants for jobs, transfers and promotions by reducing information asymmetry and protecting their right to request and share remuneration information.

The draft Bill aligns with the growing international trend of jurisdictions that have passed and implemented salary history bans and laws that compel pay transparency to expose and eliminate disparities. It builds on the existing provisions of the Act that seek to promote equal pay for work of equal value. It reinforces the principle that the value of work must be assessed on an objective and rational basis by requiring the same approach when remuneration is determined. It is a necessary step to break the systemic inequality that has defined the South African labour market and to move towards the constitutional promise of employment justice.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker at PO Box 15, Cape Town 8000; or e-mailed to speaker@parliament.gov.za and copied to info@fairpaybill.co.za.

Copies of the draft Employment Equity Amendment Bill, 2026 may be requested from Build One South Africa (BOSA) at info@fairpaybill.co.za. The draft Bill and information related to the processing of the Bill are also available at <https://fairpaybill.co.za>.