

SAMED TRANSFORMATION POLICY: V3 August 2021

Introduction

SAMED, through its Constitution and activities, endorses and upholds ethical business principles and practices as well as the South African Constitution and the human rights principles enshrined within it.

SAMED's understanding of "transformation" is based on the prescripts of the Broad-Based Black Economic Empowerment ("B-BBEE") Act 53 of 2003, which strives to promote the economic unity of the nation and to advance equal opportunity and equal access to by establishing a national B-BBEE policy. This is in line with Section 9 of the Constitution which encourages the development of legislative measures to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination, in order to achieve equality.

The South African Constitution states in its preamble, that South Africans
*"Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity."*

Transformation therefore is the path an organisation takes to ensure it is diverse and respectful towards all according to the values of substantive equality and human dignity. SAMED views transformation as a continuous process that requires frequent introspection and realignment.

Definitions

In this policy, these words shall bear the following meanings as defined in the relevant applicable laws:

- **"affirmative action measures"** mean measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational levels in the workforce;
- **"black people"** is a generic term which means Africans, Coloureds and Indians;
- **"broad-based black economic empowerment"** means the viable economic empowerment of all black people, in particular women, workers, youth, people with disabilities and people living in rural areas, achieved through diverse but integrated socio-economic strategies that include, but are not limited to:
 - (a) increasing the number of black people that manage, own and control enterprises and productive assets;
 - (b) facilitating ownership and management of enterprises and productive assets by communities, workers, cooperatives and other collective enterprises;

- (c) human resource and skills development;
- (d) achieving equitable representation in all occupational categories and levels in the workforce;
- (e) preferential procurement from enterprises that are owned or managed by black people; and
- (f) investment in enterprises that are owned or managed by black people;
- **“designated groups”** as defined under the Employment Equity Act means black people, women and people with disabilities who:
 - (a) are citizens of the Republic of South Africa by birth or descent; or
 - (b) became citizens of the Republic of South Africa by naturalisation:
 - (i) before 27 April 1994; or
 - (ii) after 26 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date but who were precluded by apartheid policies.

Scope

SAMED is committed to uphold the principles of equality as contained in Chapter 2 of the Constitution and the transformation principles as created by the B-BBEE Act, the Employment Equity Act and other transformation laws and policies of the country and is determined to demonstrate transformation at all levels of the association by supporting broad-based black economic empowerment and the conscious and increased inclusion of designated groups.

This policy applies to all SAMED Board members, SAMED Committee members, SAMED office bearers, SAMED service providers and SAMED membership. This policy must be read in conjunction with SAMED’s Transformation Framework and Employment Policy.

SAMED plan of action

In giving effect to SAMED’s commitment to transformation, SAMED shall in relation to its *Board members and Committees*:

1. Be cognisant of and comply with the transformation agenda of the country as promulgated by government.
2. Work to improve demographic, racial and gender representation and promote affirmative action measures as it grows and develops as an association.
3. Strive to ensure that demographic representation and racial composition of its Board and Committees comply with the SAMED Constitution, the B-BBEE Act and related codes and guidelines and SAMED Transformation Framework while adhering to the processes of election as contained in its Constitution.
4. Ensure that during all meetings, events and interactions whether organised by SAMED or in which SAMED participates, there is a sensitivity towards the needs and requirements of various groups with emphasis on designated groups.
5. Through its leadership and delegations, show and live the values of transformation in the way it interacts with each other and with all stakeholders.
6. Illustrate its commitment to transformation through the use of inclusive language.

In relation to the *employment of office bearers*:

7. SAMED supports the prohibition of unfair discrimination as defined under the Employment Equity Act, that is: no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground.
8. In order to promote the prohibition of unfair discrimination in the workplace, SAMED commits to affirmative action measures and to promoting the principles of transformation in the recruitment and appointment of staff as well as to aligning its decisions in so doing to all relevant national and SAMED legislation and policies with regards to demographic representation and the representation of designated groups at all levels in the association.
9. Promote and ensure skills development particularly of designated groups.

In relation to its *membership*:

10. Facilitate information sharing sessions at general meetings of SAMED, in order to obtain expert input on issues of transformation; including legal and policy frameworks of relevant national legislation, skills development, preferential procurement, diversity and human rights.
11. Elicit and listen to feedback from its membership as to how it can improve its transformational plan of action, and take corrective action where required.
12. Encourage its membership to participate in public health programmes and to support causes aimed at addressing inequities in the health system.
13. Consult with relevant government organisations and other professionals in the field of transformation to provide guidance to members.
14. Encourage its membership to invest in programmes, projects and endeavours that promote transformation, B-BBEE and affirmative action measures within their own organisations as well as their suppliers and the medtech industry.

In relation to *other stakeholders*:

15. When appointing delegates, consider the representation of the SAMED delegation, in view of the skills set of such delegates relative to transformation requirements, the inclusion and representation of designated groups as required by B-BBEE Act as well as their availability and willingness to undertake the specific tasks.
16. When responding to proposed policy or legislation, consider the transformational imperatives within which such proposals might be made and also in line with the SAMED Constitution, provide alternative means to understanding or achieving those imperatives where appropriate and warranted.
17. When appointing service providers, promote preferential procurement principles and the B-BBEE status of such candidates, in addition to other relevant factors eg competency, capability and costs of such services.
18. Promote the principles of affirmative action by increasing the engagement of women-owned and women-managed enterprises when appointing service providers.
19. Encourage other associations and partners to consider transformational issues in their activities.

In relation to the South African *public at large, and patients* in particular:

20. Promote transformation and support B-BBEE and affirmative action.
21. Ensure that all persons are treated equally, and are awarded equal protection and entitlements, by SAMED as an organisation and by its representatives, within the ambit of the South African Constitution.
22. Object against unfair discrimination on any grounds listed in the South African Constitution.
23. Act against instances of unfair discrimination or violations of the dignity of others, which come to SAMED's attention and which relates to its mandate as expressed in its Constitution.
24. Encourage and take steps that support the transformation of the health sector, as verbalised in the National Department of Health Annual Performance Plan 2018/19 – 2020/21 of the Department of Health¹ and other key policies.

Implementation and targets

This Policy is adopted by the SAMED Board. Each SAMED office bearer, committee member and member is expected to be guided by this policy in the outlined context and to ensure the achievement of its objectives. Committee chairpersons shall ensure that the objectives contained in it are disseminated and understood by all SAMED structures. Committee chairpersons shall provide feedback on the implementation of the Policy at Committee level, and the chairperson of the Board shall be the custodian of the Policy at Board level.

SAMED is subject to the -BBBEE Generic Codes of Good Practice: GN 1019 of 11 October 2013, as amended, and B-BBEE Generic Scorecard contained therein. Annexure A contains an excerpt of the adjusted generic scorecard elements and weighting associated therewith together with the B-BBEE Recognition Levels.

This Policy shall be reviewed as and when required and if applicable laws change.

Legislative framework (“Applicable Law”), as amended from time to time

- The Constitution
- Broad-Based Black Economic Empowerment Act 53 of 2003 and its regulations
- B-BBEE Codes of good practice and transformation charters
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Preferential Procurement Policy Framework Act 5 of 2000
- And any other applicable law

¹ https://tbsouthafrica.org.za/sites/default/files/201802%20NDOH%20Annual%20Performance%20Plan%202018_2019-2020_20211_00%20%281%29.pdf

ANNEXURE A: Generic scorecard

Element	Weighting	Code series reference
Ownership	25 points	100
Management control	19 points	200
Skills development	20 points (plus 5 bonus points)	300
Enterprise and Supplier Development	40 points (plus 4 bonus points)	400
Socio-Economic Development	5 points	500

BBBEE Recognition levels and potential status

BBBEE Status	Qualification	BBBEE recognition level
Level One Contributor	100 points	135%
Level Two Contributor	95 but <100 points	125%
Level Three Contributor	90 but <95 points	110%
Level Four Contributor	80 but <90 points	100%
Level Five Contributor	75 but <80 points	80%
Level Six Contributor	70 but <75 points	60%
Level Seven Contributor	55 but <70 points	50%
Level Eight Contributor	40 but <55 points	10%
Non-compliant Contributor	<40 points	0%