REGULATIONS MADE IN TERMS OF

Employment Services Act 8 of 2011
section 34

Regulations Regarding Employment Services
Government Notice 42 of 2015
(GG 5702)
came into force on date of publication: 16 March 2015

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Registration of job seekers
3. Exemption from Part 3 of the Act
4. Designated employers to report vacancies and new positions
5. Notification of intention to operate a new employment establishment
6. Job seekers referral period by the bureau
7. Reporting on referred job seekers
8. Provision of information by designated employers
9. Provision of information by designated institutions
10. Records and returns
11. Mode of submitting information

ANNEXURES
Forms

FORM ESA 1A
Application for exemption from Part 3 of the Act

FORM ESA 2A
Declaration of exemption from part 3 of the Act

FORM ESA 3A
Notification of vacant or new positions and intention to operate a new employment establishment

FORM ESA 4A
Designate institution information submission form.

Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning and unless the context otherwise indicates -

“job seeker” means an individual who is unemployed and proactively seeking employment;

“the Act” means the Employment Services Act, 2011 (Act No. 8 of 2011).

Registration of job seekers

2. Job seekers may, electronically or manually, register with the bureau in terms of section 14(1)(a) of the Act.

Exemption from Part 3 of the Act

3. (1) An application for exemption contemplated in section 15(6) of the Act must be made to the Minister on a form that substantially corresponds to Form ESA 1a set out in the Annexure.

(2) An exemption granted or denied in terms of section 15(7) of the Act must be on a form that substantially corresponds to Form ESA 2a set out in the Annexure.

Designated employers to report vacancies and new positions

4. (1) Every designated employer contemplated in section 15(1) of the Act must notify the bureau of any vacancy or new position in terms of section 16(1) of the Act on a form that substantially corresponds to Form ESA 3a set out in the Annexure.

(2) The notice contemplated in subregulation (1) must be made at least fourteen calendar days before the closing date for applications relating to the vacancy or position concerned.

(3) Where applications are not solicited, the notice contemplated in subregulation (1) must be made at least 14 calendar days before the intended date of filling the vacancy or position concerned.

Notification of intention to operate a new employment establishment

5. (1) Every person who intends to operate a new employment establishment contemplated in section 16(2) of the Act must notify the bureau on a form that substantially corresponds with Form ESA 3a set out in the Annexure.

(2) The notification in terms of subregulation (1) must be made at least 30 calendar days before the employment of persons.
Republic of Namibia

REGULATIONS
Employment Services Act 8 of 2011
Regulations Regarding Employment Services

Job seekers referral period by the bureau

6. The bureau must refer the job seekers’ particulars contemplated in section 16(4) of the Act within 14 calendar days from the date of receipt of a notification contemplated in section 16(3) of the Act.

Reporting on referred job seekers

7. The report contemplated in section 16(7) of the Act -

(a) must be made by the employer within 30 calendar days from the date of receipt of the job seekers referrals from the bureau; or

(b) within seven calendar days if the position is filled at a later date; and

(c) must indicate -

(i) the positions which were filled;

(ii) the dates the respective positions were filled;

(iii) whether positions were filled or not by job seekers referred by the Bureau, and

(iv) if referred job seekers were not employed by the employer, reasons for such nonplacement.

(d) If a position is not filled within 30 calendar days of receiving job seekers’ particulars the employer must notify the bureau of -

(i) its intent to fill the position and

(ii) a contemplated date for filling the position.

Provision of information by designated employers

8. All designated employers must annually submit to the bureau a full profile of its establishment in terms of section 17(1) of the Act.

Provision of information by designated institutions

9. (1) Institutions designated in terms of section 18(2) of the Act must when so directed by the bureau submit information referred to in that section.

(2) The information contemplated in section 18(2) of the Act must be submitted within 30 calendar days from the date of receipt from the bureau of a request on a form that substantially corresponds with From ESA 4a set out in the Annexure.

Records and returns

10. (1) All designated employers in terms of section 17(1) of the Act must keep records of all vacancies and all aspects relating to vacancies.
(2) The records contemplated in subregulation (1) must be -

(a) in English;

(b) kept at the designated employer’s principal place of business, and

(c) retained by the designated employer for a period of not less than five years.

Modes of submitting information

11. All information to be submitted in terms of these regulations may be submitted manually or electronically.
FORM ESA la

REPUBLIC OF NAMIBIA
MINISTRY OF LABOUR AND SOCIAL WELFARE

Tel: 061 206 6111 32 Mercedes Street
Fax: 061 206 6270 Khomasdal

APPLICATION FOR EXEMPTION FROM PART 3
Section 15(6), Regulation 3

I .................................................................................................................................
(Full name and surname of representative)
on behalf of ..............................................................................................................
(Name of establishment)

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| 5. Email(s): | .......................................................... |

apply to be exempted from the provisions of Part 3 of the Employment Services Act, (Act No. 8 of
2011), based on the following reasons:

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SIGNATURE OF REPRESENTATIVE ..............................................................................
DATE .........................................................................................................................
NOTE: This application does not exempt the applicant from compliance with Part 3 ap till the Minister's approval of the exemption application. Attach additional sheets if necessary.

FORM ESA 2a

REPUBLIC OF NAMIBIA
MINISTRY OF LABOUR AND SOCIAL WELFARE

Tel: 061 206 6111
Fax: 061 206 6270
32 Mercedes Street
Khomasdal

DECLARATION OF EXEMPTION
Section 15(7), Regulation 3

I, .................................................................................. acting in my capacity as Minister of Labour and Social Welfare hereby

GRANT EXEMPTION  DENY EXEMPTION

Description of employer ..................................................................................................................
Category of employers: ..................................................................................................................
Class of employers: .........................................................................................................................

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from compliance with Part 3 of the Act, subject to the following conditions:

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This exemption is effective from ................................................ till ........................................

MINISTER OF LABOUR AND SOCIAL WELFARE       DATE
NOTIFICATION OF VACANT/NEW POSITIONS AND INTENT TO OPERATE A NEW EMPLOYMENT ESTABLISHMENT  
Section 16(1), Regulation 4  
Section 16(2), Regulation 5

INSTRUCTIONS:  
• Sections A, B, C and G apply to notifications of intention to operate a new employment establishment  
• Sections A-G apply to notifications of vacant or new positions  
• Attach additional information sheets for each vacancy as needed  
• Tick in appropriate spaces  
• Print in block letters

A. TYPE OF NOTIFICATION

Intent to operate a new employment establishment

Vacant or new positions

B. PARTICULARS OF DESIGNATED EMPLOYER

Name of employer: 
Nature of employer:  
Public sector | Private sector | State owned enterprise | Non-Governmental Organization (NGO)

Services rendered/products offered by establishment

Intended operations commencement date

C. CONTACT DETAILS

1. Physical Address: 

2. Postal Address: 

3. Telephone number(s): 

4. Fax number: 

5. Email(s): 

Tel: 051 206 6111  
Fax: 051 206 6270  
32 Mercedes Street  
Khomundal  
Republic of Namibia  
Annotated Statutes  
REGULATIONS  
Employment Services Act 8 of 2011  
Regulations Regarding Employment Services
### D. POSITIONS

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### E. GENERAL DESCRIPTION OF DUTIES

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G. DECLARATION

I certify that the information provided above is to the best of my knowledge accurate and I realize that any false declaration is a criminal offence and will make me liable to prosecution.

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**FORM ESA 4a**

**REPUBLIC OF NAMIBIA**
MINISTRY OF LABOUR AND SOCIAL WELFARE

Tel: 061 206 6111 32 Mercedes Street
Fax: 061 206 6270 Khomasdal

EMPLOYMENT SERVICES ACT, 2011 (ACT NO. 8 OF 2011)
DESIGNATED INSTITUTION INFORMATION SUBMISSION FORM

Section 18 (2), Regulation 9

*Note: where applicable a graduation book can be attached*

### CONTACT DETAILS OF INSTITUTION

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### PERSONS WHO COMPLETED ACCREDITED EDUCATIONAL PROGRAMME/COURSES

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### PERSONS WHO ARE CURRENTLY IN THE RESPECTIVE PROGRAMMES

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### COURSES OFFERED BY THE DESIGNATED INSTITUTION

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(Institution representative)