



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$1.00

WINDHOEK - 6 August 1999

No. 2161

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## Government Notices

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### MINISTRY OF LABOUR

No. 156 1999

#### COMMENCEMENT OF THE AFFIRMATIVE ACTION (EMPLOYMENT) ACT, 1998 (ACT NO. 29 OF 1998)

Under section 50 of the Affirmative Action (Employment Act, 1998 (Act No. 29 of 1998), I determine that section 2, sections 19 to 43, inclusive, and sections 45 to 48, inclusive, of that Act, which provisions have not as yet come into operation, shall come into operation on the date of publication of this notice in the *Gazette*.

**A. TOIVO YA TOIVO**  
**MINISTER OF LABOUR**

Windhoek, 23 July 1999

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**MINISTRY OF LABOUR**

No. 157

1999

**AFFIRMATIVE ACTION (EMPLOYMENT) ACT, 1998  
NOTICE TO SUBMIT THE FIRST AFFIRMATIVE ACTION REPORT:  
SECTION 27(1)(b)**

Under section 27(1)(b) of the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998), I hereby determine that the first affirmative action report to be submitted in terms of section 27 of that Act by an Office, Ministry or Agency in the Public Service, or by a parastatal, identified as a relevant employer, shall be so submitted within a period of one year after the publication of this notice.

**A. TOIVO YA TOIVO  
MINISTER OF LABOUR**

Windhoek, 23 July 1999

**MINISTRY OF LABOUR**

No. 158

1999

**AFFIRMATIVE ACTION (EMPLOYMENT) ACT, 1998  
(ACT NO. 29 OF 1998):  
IDENTIFICATION OF RELEVANT EMPLOYERS: SECTION 20**

Under section 20(2)(b)(ii) of the Affirmative Action (Employment) Act, 1998, I identify as a relevant employer for the purposes of that Act, an employer who or which employs 50 or more employees, which number of employees so employed shall be calculated as the average number of employees employed by the employer during one year period immediately preceding the date on which the calculations are made, which calculations shall be made monthly.

I further determine that no relevant employer as defined in section 1 of the Affirmative Action (Employment) Act, 1998, shall cease to be a relevant employer as a result of the reduction in the number of employees in the employ of such employer to a number which is less than the number of employees required for the identification of such employer as a relevant employer as set out in this notice.

**A. TOIVO YA TOIVO  
MINISTER OF LABOUR**

Windhoek, 23 July 1999

**MINISTRY OF LABOUR**

No. 159

1999

**REGULATIONS UNDER THE AFFIRMATIVE ACTION  
(EMPLOYMENT) ACT, 1998**

The Minister of Labour has under section 48 of the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998), made the regulations set out in the Schedule.

**SCHEDULE*****Definitions***

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has a corresponding meaning; and

"the Act" means the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998).

**PART I****ADMINISTRATION***Keeping of records*

2. The documents, notices and forms issued in terms of the Act to or by a relevant employer shall be kept, in addition to the records to be kept in terms of section 26 of the Act, by such relevant employer and shall be made available to a review officer, at the review officer's request, for the purpose of inspection.

**PART II****AFFIRMATIVE ACTION***Notice by relevant employer*

3. (1) Every employer who as the result of a change in the number of employees employed by him, her or it, as the case may be, becomes a relevant employer, shall in writing notify the Commission within 30 days of such change.

(2) The date on which the Commissioner receives the notice referred to in subregulation (1) shall be deemed to be the date of identification as a relevant employer referred to in section 27(1)(a) of the Act.

(3) If the number of employees employed by a relevant employer is reduced to such an extent that the number of such employees so employed by such relevant employer is less than the number of employees as set out in a notice published under section 20 of the Act, causing such relevant employer, subject to subregulation (4), not to be a relevant employer any longer, such employer shall not less than 30 days after such change in the number of employees, in writing, notify the Commission thereof and shall in such notice furnish full particulars of such change in the number of employees.

*Form of summons*

4. The summons referred to in section 36(3) of the Act shall be in the form of Form EEC 1.

**PART III****MISCELLANEOUS***Offences and penalties*

5. Any person who contravenes or fails to comply with the provisions of any regulation shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding 2 (two) years or to both such fine and such imprisonment.

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Form EEC 1

**AFFIRMATIVE ACTION (EMPLOYMENT) ACT, 1998**  
(Act No. 29 of 1998)

**SUMMONS TO APPEAR BEFORE A REVIEW PANEL**  
(Section 36 / Regulation 4)

Case No. : .....

**AFFIRMATIVE ACTION PLAN TO BE REVIEWED:**

Name of relevant employer: .....  
Address: .....  
.....

**PARTICULARS OF PERSON SUMMONED:**

Surname and full names: .....  
Address: .....  
.....

**YOU ARE HEREBY SUMMONED TO PERSONALLY APPEAR BEFORE A REVIEW PANEL AT THE VENUE AND ON THE DATE AND AT THE TIME SPECIFIED BELOW:**

VENUE: .....

DATE: ..... TIME: .....

Books, documents or records to be produced at the hearing: .....  
.....  
.....

Note 1: You are required to remain in attendance at the hearing until excused by the Chairperson of the Panel.

Note 2: You are entitled to be represented by a legal practitioner.

Note 3: Failure to appear and to stay in attendance as required by this summons, or to produce any of the books, documents or records specified in this summons, is a criminal offence and upon conviction you may be sentenced to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Issued at ..... this ..... day of .....

.....  
Chairperson of the Review Panel

Address: .....  
.....

**RETURN OF SERVICE**

I certify that I have served the above summons on the person named therein-

- a. by delivering a copy thereof to him or her personally; or
  - b. as the person could not be found, by delivering a copy to .....
- .....

a person apparently over the age of 16 years and apparently residing at the person's place of residence or apparently employed at the person's place of business.

Address where summons was served: .....  
.....  
.....

Date and time of service of summons: .....

*The nature and importance of this summons was duly explained to the recipient thereof.*

Summons served by me:

.....  
Signature

Surname and full names: .....

Designation: .....

Address: .....

.....

Telephone number: .....

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