GOVERNMENT NOTICE

No. 231  Promulgation of Affirmative Action (Employment) Amendment Act, 2007 (Act No. 6 of 2007), of the Parliament

Government Notice

OFFICE OF THE PRIME MINISTER

No. 231 2007

PROMULGATION OF ACT
OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

To amend the Affirmative Action (Employment) Act, 1998, so as to provide for additional powers for the Employment Equity Commission; the delegation of powers to certain persons; the appointment of more than one review officer for a report; the continued submission of affirmative action plans; and to provide for matters incidental thereto.

(Signed by the President on 21 December 2007)
Amendment of section 24 of Act No. 29 of 1998

4. Section 24 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) For the purposes of developing [and implementing] an affirmative action plan or an affirmative action report, a relevant employer shall carry out consultations with the representatives of his or her or its employees and, where there is a trade union representing the interest of such employees, also with such trade union, concerning -

(a) the preparation, implementation and revision of that employer’s affirmative action plan and affirmative action report;

(b) the assistance of such representatives or trade union in communicating matters relating to the affirmative action plan and affirmative action report to such employer’s employees; and

(c) the participation of such representatives or trade union in monitoring the affirmative action plan and affirmative action report.”.

Amendment of section 30 of Act No. 29 of 1998

5. Section 30 of the principal Act is amended by -

(a) the substitution for subsection (1) of the following subsection:

“(1) The Commission shall appoint for each affirmative action report submitted to it under section 27, from among the staff members in the Ministry made available for such purpose by the Permanent Secretary, a review officer or more than one review officer responsible for reviewing that report and making recommendations to the Commission in accordance with this Act.”;

(b) the insertion of the following subsection after subsection (3):

“(4) The Commissioner or any member of the Commission may exercise the powers or perform the functions of a review officer set out in terms of section 31 of this Act.”.

Amendment of section 44 of Act No. 29 of 1998

6. Section 44 of the principal Act is substituted for the following section:

“44. Any person exercising a power or performing a function in terms of this Act [The Minister, Permanent Secretary, Commissioner, a member of the Commission, a review officer, or a person referred to in section 13] shall not personally be liable in respect of anything done in good faith [bona fide] under this Act.”.

Amendment of section 45 of Act No. 29 of 1998

7. Section 45 of the principal Act is amended by the substitution for subsection (1) of the following subsection:
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“(1) Any person aggrieved by the application or implementation of this Act [employee] may bring such grievance to the attention of the Commission [such any dispute between such employee and a relevant employer].”.

Amendment of section 47 of Act No. 29 of 1998

8. Section 47 of the principal Act is amended by the substitution for paragraph (f) of subsection (2) of the following paragraph:

“(f) Any relevant employer who contravenes or fails to comply with section 19(1), (2) and (3), 23, 24, 25, 27, 28, or section 39(3)(b) shall be guilty of an offence, and on conviction be liable.”.

Short title

9. This Act is called the Affirmative Action (Employment) Amendment Act, 2007.