



REPUBLIC OF NAMIBIA

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

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Our Ref:

06 December 2016

TO: ALL EMPLOYERS AND EMPLOYEES

NOTICE ON THE LABOUR ACT (ACT NO. 11 OF 2007) AND AFFIRMATIVE ACTION (EMPLOYMENT) ACT, NO 29 OF 1998.

1. APPLICATIONS IN TERMS OF THE LABOUR ACT.

- a) Exemption to exceed the prescribed overtime hours in terms of section 17 (3), section 21(3) and section 22 (3) to perform work on Sundays and Public holidays,
b) Declaration of Continuous Operations in terms of section 15 (1), and
c) Exemptions/Variations in terms of section 139 (1).

1.1 Any application or request in terms of the above mentioned provisions must meet the following requirements:
An application on Exemption to exceed the prescribed overtime hours, work on Sundays /Public holidays must:

- a) be submitted 10 days before the commencement of the intended overtime work,
b) accompanied by a signed agreement between the Employer and the Employees/Staff members or the recognised trade union.
c) prescribed clearly the time frame of the intended overtime work, and
d) names of Departments/Divisions/Sub-divisions/Offices that are to be performing overtime work, and /or work to be performed on Sundays or Public holidays must be clearly indicated as such.

1.2 Any application for the Declaration of Continuous Operations must meet the following requirements:

- a) be addressed to the Minister responsible for Labour, and
b) satisfies the Minister on consultation with affected employees or the registered trade union recognised as the Bargaining Agent.

1.3 Any Exemptions/Variations application must meet the following requirements:

- a) be addressed to the Minister responsible for Labour;
b) satisfies the Minister on consultation with affected employees or the registered trade union recognised as a Bargaining Agent.
c) must be on the prescribed Form LM 34 and clearly include a statement of the employees, or category of employees affected by the exemption.

2. APPLICATION IN TERMS OF THE AFFIRMATIVE ACTION (EMPLOYMENT ACT)

Application on Affirmative Action (Employment) must meet the following requirements:

- a) the applicant must be a relevant employer who has submitted his/her/ its Affirmative Action Report to the Employment Equity Commissioner for reviewing purposes,
b) the applicant must obtain a letter from the EEC confirming the Submission of his/her/ its Report, and
c) must be made on a completed Form EEC 19.

3. Therefore as from 01 January 2017, all applications must be submitted well in advance to allow for processing time and to avoid rejection due to time lapse.

Your co-operation in this regard will be highly appreciated

SHINGUADJA, B. M.
PERMANENT SECRETARY

Handwritten signature/initials: 08/12/2016

