

REGULATIONS MADE IN TERMS OF

Affirmative Action (Employment) Act 29 of 1998

section 48

General Regulations

Government Notice 159 of 1999

([GG 2161](http://www.lac.org.na/laws/1999/2161.pdf))

came into force on date of publication: 6 August 1999

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**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.

Form EEC I

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