



**REPUBLIC OF NAMIBIA**

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**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION**

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**SPEECH BY HONOURABLE ERKKI NGHIMTINA, MINISTER OF LABOUR,  
INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION ON THE OCCASION OF  
THE BIDDING FAREWELL TO ERSTWHILE EMPLOYMENT EQUITY COMMISSIONER  
WINDHOEK, 06 JUNE 2019**

Director of the Programme – Mr Postrick Kapule

Honourable Deputy Minister –Tommy Nambahu

The Special Advisor to the Minister – Advocate Vicki Ya Toivo

The Permanent Secretary of the Ministry – Bro Matthew Shinguadja

Labour Commissioner – Mr Henri Kassen

Employment Equity Commissioner – Mr. Otniel Podewiltz

Members of the Employment Equity Commission

Representatives of Employer Organisations and Labour Unions

Senior Ministry Officials and staff members

Esteemed invited guests

Members of the Media

Ladies and gentlemen

You have all been invited to the official announcement of the retirement of the long serving Employment Equity Commissioner, Mr. Vilbard Usiku and the appointment of the new Employment Equity Commissioner, Mr. Otniel Podewiltz.

Director of the Programme;

Ladies and Gentlemen;

Allow me at this juncture to inform you that this is a historic year in the existence of the Employment Equity Commission.

The Affirmative Action (Employment) Act No. 29 of 1998 was promulgated on 24 September 1998. The inception of the first Employment Equity Commission took place on 26 July 1999. In this year, 2019, the Employment Equity Commission will be in existence for exactly 20 years.

Mr. Usiku served this Commission since its inception in 1999. The term of office of Mr. Usiku come to an end on 31 March 2019.

In terms of section 6(1)(a) of the Affirmative Action (Employment) Act No. 29 of 1998, the Minister shall, with the approval of National Assembly, appoint the Employment Equity Commissioner. I have, with the approval of the National Assembly, appointed Mr. Podewiltz as the new Employment Equity Commissioner, on a five-year contract, effective 01 April 2019 to 31 March 2024. Mr. Podewiltz thus assumed duty effective 1<sup>st</sup> of April 2019.

Director of the Programme;

Ladies and Gentlemen;

As you all may know, the previous Apartheid regime's employment policies left a legacy of disparities in terms of the distribution of jobs, incomes and occupations. It is for this reason that the Namibian Constitution in Article 10(2) states that "*No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status*". Article 23 of the Constitution further envisaged the enactment of an Act of Parliament aimed at prohibiting the practice of racial discrimination and the practice and ideology of apartheid.

The Employment Equity Commission was created as a result of our independence and the Namibian Constitution. The Commission is a statutory body, mandated by the Affirmative Action (Employment) Act, 29 of 1998 to drive the transformation agenda in employment. The Affirmative Action (Employment) Act, 29 of 1998 aims at guiding employers to eliminate employment barriers against persons in designated groups with a view to ensuring that they are equitably represented at all levels of employment.

The ultimate Objective of the affirmative action law is that there is no discrimination in employment in Namibia. After 20 years of affirmative action implementation it is sad that racial prejudice and gender stereotyping still continue to impede progress towards equity in employment.

Director of the Programme,

The 2017/2018 Employment Equity figures reveals yet another improved rate of submission of affirmative action reports by relevant employers. In that review period the Commission received and reviewed a total of 923 affirmative action reports. The total number of employees reported on in this period is 277 745.

Despite this increase in the number of submissions, I am informed that an estimated significant number of relevant employers are still in hiding. I am also informed that a large number of relevant employers fails to submit reports in time each year. It is law that all employers employing 25 and more employees must submit affirmative action reports annually. The office informs me that presently there are about 60 relevant employers before court for non-compliance with the law.

The non-compliance range from non-submissions, late submissions and false information provided to the Commission.

These are serious criminal offences in terms of the Act and I implore relevant employers to comply fully with the law. I expect from the new Commissioner to address these challenges head-on.

The statistics also reveals that only 0, 4% employees reported on were persons with disabilities, while 46% of the workforce were women and 1% were non-Namibians. White employees accounted for 56% of positions at the Executive Directors level, unchanged from the figure in the previous corresponding review periods. This slow progress in achieving employment equity is a concern to my office and I expect the Commission to find innovative ways to accelerate this process.

It is clear from these brief facts that the Employment Equity Commission still faces numerous challenges and I expect from the newly appointed Commissioner, together with his entire team, to ensure that the transformation agenda in employment is accelerated. No Namibian should be denied any employment opportunity based on discrimination. All Namibians should enjoy equal employment opportunities and the Employment Equity Commission has an oversight function to ensure that this basic and vital principle is effectively enforced and complied with by all employers.

Director of the Programme

Ladies and Gentlemen

With these few words, it is now my singular honour to officially say goodbye to Mr. Usiku and to thank him for his dedicated service to the Employment Equity Commission and the Ministry at large for 20 years. I wish Mr. Usiku all the best in his future endeavors.

In the same breath, I welcome Mr. Podewiltz to the Employment Equity Commission and I wish to express my confidence in his ability to lead this vital Institution. I want to see improvements and I am sure the new Commissioner can deliver.

I thank you for your attention.