



REPUBLIC OF NAMIBIA

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

Reply

Minisiterial motivation

On the

Reappointment

of Advocate Otniel Podewiltz

As Equity Commissioner

By

Hon. Utoni Nujoma, MP

**Honourable Speaker,
Honourable Members,**

I am taking the floor to firstly express my appreciation for the support in general for the reappointment of Commissioner Podewiltz and to provide my responses to the valuable inputs made by the Honourable Members of this house.

**Honourable Speaker,
Honourable Members,**

May I first just highlight that I got the impression my motivation yesterday may have not been fully appreciated because it appears as if Covid 19 was isolated as the main reason for the request for extension by most who spoke on the matter. For the sake of clarity, I mentioned COVID-19 and the additional multitude of factors and reasons why the Commissioner, although he was appointed for a term of five (5) years, could not serve the Employment Equity for the full period.

I mentioned the fact that he was required to take charge of the Ministry as Acting Executive Director for a considerable time, the fact that the next level staff member at the EEC, the Deputy Director and several other senior staff members were promoted and left for other Ministries as well as the fact that the term of Office of the 7th Employment Equity Commission is also coming to an end in this year.

**Honourable Speaker,
Honourable Members,**

At this juncture may I indicate that the Employment Equity Commission is a statutory body established under the Affirmative Action (Employment) Act 29 of 1998. Commissioner Podewiltz is the chairperson of the Employment Equity Commission which consists of a total of 15 Commissioners each with an Alternate member. In addition to the chairperson, the Commission comprised of 14 Commissioners drawn from nominations made by different interest groups. In terms of section 6 of the Act, Act 29 the EEC have (4) representatives from the State, two representatives of Trade Union Federations, NWNW and TUCNA, two representatives from the Employer's Federation, NEF, two representatives representing previously racially disadvantaged through political parties namely SWAPO and the PDM,

two representatives representing Women and two representatives representing Persons with Disabilities. These Commissioners, I am sure have been providing regular feedback to their respective constituents over the years on the activities of the EEC.

Commissioner Podewiltz joined the EEC effective 01 April 2019. Many of the achievements of the EEC in the period 2019 to 2024 are fully discussed in the upcoming annual report but allow me to highlight a few activities from 2019 to 2024 for the present purpose.

1. Full review of the performance of the EEC from 1999 to 2019

It was obvious from the reports submitted to Parliament for the past about 20 years since the inception of the EEC, that the progress in the area of Affirmative Action implementation was slow and still characterized by skewed workforce composition. The Commission took the view that continuing in the same manner will not be able to provide a different outcome unless drastic steps are taken to address the challenges hampering progress. An extensive review of the EEC operations, staff establishment, activities, and processes was therefore conducted in 2019/2020.

2. Development of a new Roadmap and Business Re-engineering

As a result of the above activities, the EEC conducted a business re-engineering exercise in the ^{2020/2021} ~~2020~~2021 financial year. Several interventions were introduced thereafter, including the revision of the AA Report templates, improvements in enforcement and compliance, and the monitoring and evaluation of AA implementation by employers, through activities such as inspections and review visits. EEC activities were streamlined, several adjustments to operational systems were made and enhancements of processes were introduced to improve service delivery. The public Review Panel hearings we heard ^{about} where several employers appeared is part of these improvements.

3. Introduction of an Integrated Review Scorecard (IRSC)

In 2022 the Commission introduced what it termed the IRSC, which is a system that allows for a fair, objective, and methodical way of assessing AA Reports submitted instead of merely issuing reports simply based on the fact that a report was submitted. Based on the review scorecard, Employers are now issued an AA Compliance Certificate indicating the Grading

and level of AA Compliance. This is a first for the EEC and employers are issued an AA Compliance Certificate reflecting a rating from A-plus up to F. This new approach was piloted in 2022 and rolled out fully in the 2023/2024 financial year as the test year.

Based on the observations made at the end of the year, the Commission may need to make further adjustments.

4. Reduction of the Reporting Threshold from 25 to 10

Noting that the Act has very limited coverage which excludes a large number of employers, the Commission on 15 September 2022 issued the Government Noticed through my office to reduce the reporting threshold from the previous 25 to 10. The Act now applies to all employers employing 10 and above employees. This change became effective 15 March 2024 and many new submissions are required during the 2024/2025 financial year.

**Honourable Speaker,
Honourable Members,**

5. Amendment of the Act

Amendments to the Act started a while ago but with the developments explained earlier several additional areas needed further development. Commissioner Podewiltz is tasked to finalize the drafting. I am informed that the Amended Act will soon be forwarded to my office. The changes include the extension of the mandate of the EEC, the addition of one more designated group, clarification of the definition of Persons with disabilities, and expansion on the meaning and application of measures employers must implement, just to mention but a few.

6. Project to increase the employment of Persons with Disabilities and focus on understudy appointment and Training

The issue of equal employment opportunities for persons with disabilities and the effective implementation of the understudy skills transfer program remained a very serious concern over the 20 years of affirmative action implementation. The EEC introduced focus interventions in these areas which I am informed already shows improvements. I am reliably informed that the number of persons with disabilities in employment increased significantly,

especially from 2022/2023 and is on the rise. The same observations are made about the proper implementation of understudy training and skills transfer to Namibians

**Honourable Speaker,
Honourable Members,**

7. Development of the Annual Report

The last EEC Annual report was published in 2019, covering the period 2017/2018. In 2020, the EEC Case Management system which is the electronic system for capturing report data started to malfunction. The EEC not only tried to make contact with the initial system developer but also had some IT specialists to try and address these challenges. All these efforts failed. In 2021 and 2022 both the Office of the Prime Minister (OPM) as well as Ministry Internal IT personnel were tasked to conduct a full audit of the system and found that the system is no longer useful for the purposes intended and must be replaced totally.

In the period 2020 to 2021, the EEC also had no internet connection due to the old infrastructure internet lines used at EEC at the time. It took Telecom almost a year to replace these lines with new optic fibre technology. EEC also had no or insufficient budget allocation to develop a new system or to make any improvements to the system. I am delighted to announce that recently, sufficient budget allocation was made to enable the EEC to address the Case Management System in the 2024/2025 financial year. I am assured that the system issues will be something of the past soon.

From the briefing I received so far, I am informed that in February 2024 (Quarter 4) the EEC commenced through the Ministry with the procurement process for the Provision of Design, Editing, Proofreading, and Printing Services for the 2022/2023 Annual Report. Once these are concluded, the 2022/2023 annual report will be printed within the next month or two. I am furthermore assured that the Commission is advanced in its work on the 2022/2021 and the 2023/2024 Annual Reports. These reports are also expected to be printed and available in the 2024/2025 financial year., latest in the 3rd Quarter.

**Honourable Speaker,
Honourable Members,**

The above response and further clarification, I hope, address the issues raised in this house and elucidate why the extension is required. In conclusion, the advice to rather approve the full five-year term is well-received and acceptable to me and I so move.

I thank you for your attention.
