

Namibia

Employment Services Act, 2011

Regulations regarding Employment Services, 2015

Government Notice 42 of 2015

Legislation as at 15 November 2017

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Regulations regarding Employment Services, 2015

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Republic of Namibia
Annotated Statutes

Employment Services Act, 2011

Regulations regarding Employment Services, 2015
Government Notice 42 of 2015

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[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for NamibLII.]

1. Definitions

In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning and unless the context otherwise indicates-

“**job seeker**” means an individual who is unemployed and proactively seeking employment;

“**the Act**” means the Employment Services Act, 2011 (Act [No. 8 of 2011](#)).

2. Registration of job seekers

Job seekers may, electronically or manually, register with the bureau in terms of section 14(1)(a) of the Act.

3. Exemption from Part 3 of the Act

- (1) An application for exemption contemplated in section 15(6) of the Act must be made to the Minister on a form that substantially corresponds to Form ESA 1a set out in the Annexure.
- (2) An exemption granted or denied in terms of section 15(7) of the Act must be on a form that substantially corresponds to Form ESA 2a set out in the Annexure.

4. Designated employers to report vacancies and new positions

- (1) Every designated employer contemplated in section 15(1) of the Act must notify the bureau of any vacancy or new position in terms of section 16(1) of the Act on a form that substantially corresponds to Form ESA 3a set out in the Annexure.

- (2) The notice contemplated in subregulation (1) must be made at least fourteen calendar days before the closing date for applications relating to the vacancy or position concerned.
- (3) Where applications are not solicited, the notice contemplated in subregulation (1) must be made at least 14 calendar days before the intended date of filling the vacancy or position concerned.

5. Notification of intention to operate a new employment establishment

- (1) Every person who intends to operate a new employment establishment contemplated in section 16(2) of the Act must notify the bureau on a form that substantially corresponds with Form ESA 3a set out in the Annexure.
- (2) The notification in terms of subregulation (1) must be made at least 30 calendar days before the employment of persons.

6. Job seekers referral period by the bureau

The bureau must refer the job seekers' particulars contemplated in section 16(4) of the Act within 14 calendar days from the date of receipt of a notification contemplated in section 16(3) of the Act.

7. Reporting on referred job seekers

The report contemplated in section 16(7) of the Act-

- (a) must be made by the employer within 30 calendar days from the date of receipt of the job seekers referrals from the bureau; or
- (b) within seven calendar days if the position is filled at a later date; and
- (c) must indicate-
 - (i) the positions which were filled;
 - (ii) the dates the respective positions were filled;
 - (iii) whether positions were filled or not by job seekers referred by the Bureau, and
 - (iv) if referred job seekers were not employed by the employer, reasons for such nonplacement.
- (d) If a position is not filled within 30 calendar days of receiving job seekers' particulars the employer must notify the bureau of-
 - (i) its intent to fill the position and
 - (ii) a contemplated date for filling the position.

8. Provision of information by designated employers

All designated employers must annually submit to the bureau a full profile of its establishment in terms of section 17(1) of the Act.

9. Provision of information by designated institutions

- (1) Institutions designated in terms of section 18(2) of the Act must when so directed by the bureau submit information referred to in that section.
- (2) The information contemplated in section 18(2) of the Act must be submitted within 30 calendar days from the date of receipt from the bureau of a request on a form that substantially corresponds with Form ESA 4a set out in the Annexure.

10. Records and returns

- (1) All designated employers in terms of section 17(1) of the Act must keep records of all vacancies and all aspects relating to vacancies.
- (2) The records contemplated in subregulation (1) must be-
 - (a) in English;
 - (b) kept at the designated employer's principal place of business, and
 - (c) retained by the designated employer for a period of not less than five years.

11. Modes of submitting information

All information to be submitted in terms of these regulations may be submitted manually or electronically.

ANNEXURES**Forms**

[Editorial note: The forms have not been reproduced.]