



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: NAMIBIA

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, but no change reports under the 2002 and 2005 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES According to the Government: Involvement of the Namibia Employers Federation (NEF) and the National Union of Namibian Workers (NUNW) and the Public Service Union of Namibia (PSUN) through communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the NEF. 2007 AR: Observations by the NEF.	
	Workers' organizations	2008 AR: Observations by the NUNW. 2007 AR: Observations by the NUNW.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Namibia ratified in 2001 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	YES in 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100) 2008 AR: The Government indicated that it would commence tripartite consultation in order to consider the ratification of C.100 keeping in view of the fact that the Labour Bill (which will be adopted by the end of the year) complies with International Labour Standards (ILS), particularly its Chapter II relating to the provisions of C.100. The NEF and NUNW expressed their support to the ratification of C.100. 2007 AR: The Government reiterated that it was not considering ratification of C.100. The NEF indicated that the Tripartite Namibian Labour Advisory Council recommended the ratification of C.100, but the Cabinet decided that Namibia was not totally ready to take that action. The NEF also expressed its support to the overall aims of the ILO's Decent Work Programme and all Conventions and Recommendations related to this Programme. The NUNW supported ratification of C.100.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

			<p>2005-2006 ARs: The Government stated that the ratification process of C.100 was not being considered at that stage.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES The 1990 Constitution (article 10) deals with equality and freedom from discrimination. It prohibits discrimination on the basis of; inter alia, social economic status, sex, race, colour, ethnic origin, religion and creed. Article 23 of the same text refers to apartheid and affirmative action.	
	Policy, legislation and/or regulations	<p>YES</p> <ul style="list-style-type: none"> • Policy <p>2000-2004 ARs: According to the Government: Affirmative Action Plans have been adopted for the public and the private sectors, and are implemented through a Tripartite Equity Commission.</p> <ul style="list-style-type: none"> • Legislation <p>2008 AR: The 2007 revised Labour Act will be adopted by the end of 2007.</p> <p>2007 AR: According to the Government: A legislative review might be considered to ensure that the relevant national laws comply with the provisions of C.100. According to the NEF: the Labour Act contains some very clear provisions that prohibit discrimination of any sort.</p> <p>2000 AR: The 1992 Labour Act (No. 6) (Part XIII, section 107) deals with unfair discrimination or harassment in employment. It also refers to discrimination on grounds of sex, race, colour, ethnic origin, religion, creed, social or economic status, political opinion or marital status or sexual orientation, family responsibilities or disabilities</p>	
	Basic legal provisions	According to the Government: (i) the 1992 Labour Act (No. 6), Part XIII, section 107; (ii) the Affirmative Action (Employment) Act, No. 29 of 1998; (iii) the Married Persons' Equality Act (No. 1 of 1996); and (iv) the Racial Discrimination Prohibition Act (No. 26 of 1991).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Grounds of discrimination	Namibia ratified Convention No. 111.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	2003-2004 ARs: According to the Government: (i) women; (ii) workers in the public service; (iii) workers in establishments of a certain size; (iv); workers in a particular type of employment; (v) agricultural workers; (vi) workers engaged in domestic work; (vii) workers in export processing zones; (viii) migrant workers; and (ix) workers in the informal economy.
		Information/Data collection and dissemination	<p>2004 AR: According to the Government: Statistics and information relevant to the principle and right (PR) are kept on a regular basis through the Ministry of Labour.</p> <p>2003 AR: According to the Government: Statistics and information relevant to the PR are kept on a regular</p>

			basis through the Employment Equity Commission.
	Prevention/Monitoring, enforcement and sanctions mechanisms	2004 AR: According to the Government: In case of non-compliance with the PR, the Government refers to the labour courts.	
	Involvement of the social partners	2003-2004 ARs: According to the Government: Employers' and workers' organizations are involved in the Employment Equity Commission, which deals with issues related to the PR.	
	Promotional activities	Institutions to promote equality	2000-2004 ARs: According to the Government: These promotional institutions are: the Namibian Employment Equity Commission and the National Council of Women's Federations.
		Other activities	2008 AR: The Government indicated that several activities would be covered under the new Labour Act. 2007 AR: According to the Government: The Employment Equity Commission conducts promotional activities with relevant employers' organisations on a fairly regular basis in order to improve compliance with the submission of Affirmative Action Reports as required by the Affirmative Action Act. 2000-2002 ARs: According to the Government: (i) policy advocacy; (ii) promotion of the PR among tripartite bodies, employers' and workers' organizations; and (iii) the Ministry of Justice.
	Special initiatives/Progress	2004 AR: According to the Government: The enactment of the 1995 Affirmative Action Act.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: The NEF indicated that the main challenge lies in the informal sector.
		Workers' organizations	2008 AR: The NUNW indicated that not all legal instruments relating to the PR are in place in Namibia.
	According to the Government	2008 AR: According to the Government: the main challenge encountered is the implementation of the Employment Equity Commission, especially in the private sector. 2004 AR: According to the Government: The main difficulties encountered in realizing the PR in Namibia are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' organizations; (x) lack of capacity of workers' organizations; and (xi) lack of social dialogue on this PR.	
TECHNICAL COOPERATION	Request	2008 AR: The NEF requested for the extension of the ILSSA programme in Namibia. The NUNW requested ILO technical assistance in carrying out seminars as a way of exerting pressure on the Government so that it ratifies C.100. Research on the structural anomalies in the workers' remuneration is needed as well as technical assistance in the production and reproduction of simplified versions of the core rationale behind C.100, preferably in the local vernaculars. Finally, the NUNW indicated that medium and long-term training is needed. 2007 AR: The NUNW requested ILO technical cooperation for capacity building on the PR. In the same vein, the NEF requested mentioned that it had very limited capacity and welcomes any support that can be given. 2004 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Namibia, in particular in: (1) strengthening the capacity of workers' organizations, (2) sharing of experiences across countries/regions, and (3) strengthening data collection and capacity for statistical collection and analysis.	

	Offer	ILO technical assistance in: (i) the development of legislation; (ii) the establishment of Commissions (such as the Employment Equality Commission); (iii) training of Commissioners; and (iv) training of Review Officers.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Qatar, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard, and encouraged the Government of Namibia to seek ILO technical advice concerning ratification of Convention No. 100 (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	