

**AN EVALUATION OF THE IMPLEMENTATION OF AFFIRMATIVE ACTION
IN WINDHOEK MUNICIPALITY**

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ABSTRACT

The paper evaluates the implementation of Affirmative Action in Windhoek Municipality, officially known as the Municipal Council of Windhoek. This establishment is interchangeably referred to as Municipality, City Council or Windhoek Municipality in the discussions. The municipality operationalized affirmative action in 1993, largely because of previous white male domination in its municipal structures. Subsequent to the enactment of the Affirmative Action (Employment) Act No. 29 of 1998, the institution was identified as a relevant employer as defined by the aforesaid Act. The paper establishes the Municipality's compliance to the aforesaid Act by evaluating the effectiveness of measures put in place to align the organisation with the requirements of the Affirmative Action Policy. For purposes of analysis, emphasis was placed on positions in the Professional level, Middle and Senior management. These positions are evaluated by the Paterson grading system as C, D and E Band respectively. Primary data was sourced by interviewing parties involved in the implementation process, affected parties and the regulators of the Policy within and outside the organisation. Secondary data sources were obtained through literature on the subject. It surfaced that the Municipality has made remarkable progress in implementing the Affirmative Action Policy by increasing the number of designated groups, as prescribed by the Affirmative Action Act. This was made possible through recruitment and selection, training and development and promotions and rewards. Still, the organisation is confronted with critical challenges such as the under-representation of women and people with disabilities in managerial positions. Unless addressed timely, these challenges might affect the intended returns from this reform strategy.

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LIST OF ACRONYMS

CEO	Chief Executive Officer
EEC	Employment Equity Commission
ILO	International Labour Organization
LAUN	Local Authority Union of Namibia
NAPWU	Namibia Public Workers Union
NCCI	Namibia Chamber of Commerce and Industry
OPM	Office of the Prime Minister

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DECLARATION

I hereby declare that the contents of the work presented in this thesis is a true reflection of my own research, and where other people's work has been used, they have been acknowledged as such. This work has not been submitted for a degree in any other institution of higher learning.

OTTO SIMASIKU KAMWI

DECEMBER 2005

Signature:-----

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CHAPTER 1: INTRODUCTION AND STATEMENT OF THE RESEARCH PROBLEM

1.1 Introduction

The paper evaluates the implementation of Affirmative Action in Windhoek Municipality. This is in order to establish accomplishments and failures by this reform strategy (Affirmative Action) in creating equitable employment opportunities for the designated groupings. The paper presents the Namibian labour legislation on the area under discussion, taking into account available literature, international practices, and interpretation of the affirmative action policy by different scholars and countries. This ultimately results into understanding the significance of Affirmative Action from Windhoek Municipality's perspective.

Positions that were targeted for analysis are in the Paterson C, D and E Bands. "The Paterson Decision Band method is a job evaluation system that is essentially based on the job classification system. It has six bands of decision making namely A, B, C, D, E and F Bands" (Swanepoel, Erasmus, Heinz and van Wyk, 2000: 540). The Bands represent the following job classifications:

A Band – Unskilled

B Band – Semi Skilled

C Band – Skilled/Professional

D Band – Middle Management

E Band – Senior Management

F Band – Top Management

Statistical records were audited in order to make out how the composition of operational structures of the municipality changed in the years 2001, 2002 and 2003. Strategies put in place to realize Affirmative Action targets are also addressed. The paper further goes to summarize research findings, conclusions and recommendations.

1.2. The Origin of Affirmative Action Policy

Sowell (2004:1) indicate that “Affirmative Action Policies have existed much longer in other countries than in the United States”. Yet, “the passing of the Civil Rights Act in 1964, in America, laid the foundation (unintentionally, because the acts objective was only to prohibit discrimination in the private sector) for the development of Affirmative Action law” (Swanepoel *et al.*, 2000: 153). This make known that, “the actual phrase “Affirmative Action” was first used in President Lyndon Johnson’s 1965 Executive Order 11246. This is manifested in the prescriptions of the executive order 11246 that required employers to take Affirmative Action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin”www.now.org/nnt/08-95/affirmhs.html.

Johnson’s executive order, “was expanded in 1967 to include Affirmative Action requirements to benefit women”www.now.org/nnt/08-95/affirmhs.html. Consequently, the Policy of Affirmative Action in the United States, covered women since 1965. The practice which covered women differed with the Wagner Act, which despite being associated with Affirmative Action focused more on rights and freedoms than equitable employment opportunities.

“The 1982 Principles of Namibia, and especially the letter dated 12 July 1982 addressed to the Secretary General of the United Nations from the representatives of Canada, France, Germany, Federal Republic of the United Kingdom of Great Britain and Northern Ireland and the United States of America, concerning the constituent assembly and the constitution for an independent Namibia, is central to the foundation of both Affirmative Action and the creation of regional and local governments in Namibia” (United Nations Newsletter S/15287 12 July 1982:44).

The 1982 Principles of Namibia, “were proposals put forward by representatives of the aforesaid governments, engaged in the negotiations for the implementation of the proposal for a settlement of the Namibian situation (S/12636), in accordance with the

United Nation's Security Council's Resolution 435 (1978) adopted on 29 September 1978. The Principles in Part B under points 7 and 8, proposed the establishment of the Affirmative Action Act and the Regional and Local Governments respectively, in the proposed constitution of an independent Namibia" (United Nations Newsletter S/15287, 12 July 1982:44). This was discussed as follows:

Point 7: "This discusses the need for a balanced structuring of the public service, the police service and defence services and for equal access by all to recruitment of these services. What is more, this part looks at the creation of appropriate independent bodies to assure the fair administration of personnel policy in relation to these" (United Nations Newsletter S/15287, 12 July 1982:44). This infers the institutional establishment of the Employment Equity Commission and the Labour Commission, so are the Affirmative Action (Employment) Act No. 29 of 1998 and the Labour Act No. 6 of 1992 that founded the two respective institutions envisaged then for an independent Namibia.

Point 8: "The part provides the establishment of elected councils for local and/or regional administration" (United Nations Newsletter S/15287, 12 July 1982:44). It entails the creation of Local Councils such as Windhoek Municipality and the Regional Councils such as the Caprivi Regional Council that are duly established by provisions made in the Local Authority's Act No. 23 of 1992.

1.3. Legal Framework

The Republic of Namibia was established on the 21st March 1990, as a "sovereign, secular, democratic and unitary state founded upon the principles of democracy, the rule of law and justice for all" (Namibian Constitution 1990: 2). The new government inherited a society deeply divided on grounds of race, ethnic origin and sex.

Owing to the above, the Government of the Republic of Namibia enforced equitable employment opportunity measures, for the benefit of the Namibian society at large. To further this aim, policies were plausibly devised and enacted by the Namibian Parliament.

The policies were modelled more in line with the 1982 Principles of Namibia. Although several reforms were introduced, the paper is limited to the following three statutes: The Namibian Constitution of 1990; the Labour Act No. 6 of 1992; and the Affirmative Action (Employment) Act No. 29 of 1998

1.3.1. The Namibian Constitution of 1990

The Namibian Constitution is the supreme law of the country. Article 10 (2), of this Constitution (1990:8) interpret that “all persons shall be equal before the law. It expands to include that no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status”. This marked the first attempt by the Namibian government to address equality for all Namibians. By implication, Article 10 (2) has the opinion that, the colonial dispensation denied equitable employment opportunities to some members of society so identified on grounds of sex, race, colour and ethnic origin.

Article 23 (2) of the Namibian Constitution (1990:14), titled: “Apartheid and Affirmative Action, explains that “nothing contained in Article 10 hereof shall prevent parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic, educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the public service, the police force, the defence force, and the prison service”. This Act ties in closely with point 7 of the 1982 Principles of Namibia, and sustained by the Labour and the Affirmative Action Acts.

1.3.2 The Labour Act No. 6 of 1992

The Labour Act No. 6 of 1992 (1992:139), document Affirmative Action in Namibia. “Part XIII, Section 106 of the Act, concentrates on Affirmative Action and complaints in

relation to unfair discrimination or harassment. It converse that “nothing contained in this part or any other part of this Act, shall be construed as prohibiting any employer or person from implementing any employment policies and practices aimed at advancement of persons who have been disadvantaged in the labour field by discriminatory laws or practices which have been enacted or practised before independence of Namibia”.

Thus, Affirmative Action looks at the employer and employee relations, by holding up that applicants are employed, and that employees are treated during employment, without regard to their race, creed, colour, or national origin as provided in section 106 of the Labour Act and the prescriptions of Executive Order No. 11246.

1.3.3 The Affirmative Action (Employment) Act No. 29 of 1998

In 1998, 8 years after Namibia’s independence, the Affirmative Action (Employment) Act No. 29 of 1998 was promulgated as an Act of parliament. This statute tightened the loopholes that delayed the full implementation of Affirmative Action in Namibia, by setting measures that lead to equitable employment opportunities in the workforce of identified relevant employers. Meaning that, the set measures monitored the transition to convey “equality of opportunity in employment, improving conditions of the formerly disadvantaged and eliminating discrimination” (Office of the Prime Minister, 2000:84). What is more, it defined the concept Affirmative Action from the Namibian perspective, such that it suited local circumstances and understanding.

Preceding the enactment of the Affirmative Action Act, the International Labour Organisation (ILO) carried out a preparatory study. This was from July to December 1995. The preparatory phase came up with the following outputs:

- (i) A draft policy statement on Affirmative Action based on consultation
- (ii) A database of contacts in Namibia
- (iii) A project evaluation report assessing the work carried out and containing a recommendation as to whether the project should proceed or not
- (iv) A Project document on Affirmative Action

Subsequently, “the Affirmative Action project was divided into two phases namely: A and B. Activities in phase A were aimed at the process of drafting a Bill on Affirmative Action while Phase B, started after the bill was adopted. Phase B aimed at educating the affected groups on the principles and mechanisms of the legislation, the training of staff involved in the implementation of the legislation, and simultaneous assistance in the drafting of necessary regulations” (Ministry of Labour, 1997:69).

1.4. Establishment of the Employment Equity Commission

Part I, Section 3 of the Affirmative Action (Employment) Act No. 29 of 1998 (1998:7), document the establishment of the Employment Equity Commission. Section 4 (a) of the same Act states that one of the objectives of the Commission is “to enquire into whether a relevant employer has adopted and is implementing an Affirmative Action Plan and whether any particular Affirmative Action plan or Affirmative Action measure meets the objects of this Act, and to take the actions prescribed by or under this Act in regard thereto”.

While the passing of the Affirmative Action (Employment) Act No. 29 of 1998 and the later establishment of the Employment Equity Commission may be credited for consolidating the implementation of Affirmative Action in Namibia, Windhoek Municipality committed to voluntary Affirmative Action in 1993 already. This is supported by a decision made “on the 29th June 1993, at its special meeting attended by Councillors and officials, when it was decided that Affirmative Action in the Windhoek Municipality would be accelerated.

This move was in response to former white male domination in the Municipal structures. The Assistant Manager of Industrial Relations then, indicated that, “managerial positions will for the time being be reserved for Blacks and White females. Subsequent to the commitment made by Council, a first black person was appointed in a managerial position on 1 September 1993” (Jauch, 1998:130).

1.5 Conceptual Framework

Although Sowell (2004:1), relates that “Affirmative Action Policies have existed much longer, there is no standard definition for this reform strategy to date. This is largely because Affirmative Action Policies are implemented in countries with different historical backgrounds and experiences. Because of this, one identifies that the “the broad intentions of Affirmative Action in America were associated with the earliest efforts directed against unfair discrimination and inequitable employment opportunities. The Policy guaranteed employees the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in active concerted activities for the purpose of collective bargaining or other mutual aid and protection” www.ourdocuments.gov/doc.php.

What becomes apparent from the above background is that in America, unfair discrimination, collective bargaining and right to self organization are directly linked to Affirmative Action, whereas as the later two(Affirmative Action) are provided for differently in other countries and hence don't bear a direct link to Affirmative Action.

Bohlander (1996: 113) defines “Affirmative Action as a policy that goes beyond equal employment opportunity by requiring organizations to comply with the law and correct past discriminatory practices by increasing the numbers of minorities and women in specific positions”. It is deduced from the definition that the American Affirmative Action aimed at increasing the number of minorities and women in specific positions.

The South African Employment Equity Act No. 55 of 1998 <http://www.labour.gov.za/docs/legislation/eea/act98-055.html> carry out to define Affirmative Action as a policy concerned with “promoting the constitutional right of equality and the exercise of true democracy, that eliminates unfair discrimination and achieve a diverse workforce that is broadly representative of their people”.

Swanepoel, *et al.*, 2000: 156, defines Affirmative Action as “those proactive and remedial measures designed to bridge the gap between formal equality of employment opportunity and substantive equality of opportunity”. By using remedial measures, Affirmative Action assumes a proactive and reorganisation role. This is exemplified by “the Namibian public service that put in place mechanisms to correct the past imbalances” <http://www.opm.gov.na/pm/speeches/speech1.htm>.

The Affirmative Action (Employment) Act No. 29 of 1998 (1998:18) defines Affirmative Action as “a set of affirmative action measures designed to ensure that persons in the designated groups enjoy equal employment opportunities at all levels of employment and are equitably represented in the workforce of a relevant employer”. This definition has strong emphasis on employment equity. It spells out the necessary measures, procedures and systems necessary in realizing employment equity in the workforce. At the same time, the definition connotes that; Affirmative Action aims at prioritising the designated groups by advancing their representation forthwith at all levels in the workforce.

Designated groups that are categorized by the Affirmative Action (Employment) Act No. 29 of 1998 (1998: 19) in Namibia are:

- (a) Racially disadvantaged persons (The category refers to all Namibian races other than Whites)
- (b) Women (These are women of all races)
- (c) Persons with disability (These are physically challenged people).

By looking at the composition of the designated groupings, it is logical to conclude that the designated groups in Namibia far outweigh the non-designated group who happen to be white male or racially advantaged males.

The concept Affirmative Action is no longer new to Namibia. For this reason, it has become a topical issue that has gained momentum by virtue of reaching the arena of public debate. Testimony to this is in the report in the Namibian Newspaper, which

among others reported that “the creation of equal opportunities for all citizens and removal of discrimination along racial, gender and religious lines lies with the implementation of Namibia’s Affirmative Action Act” (The Namibian, September 27, 1999: 3).

More importantly, Affirmative Action affects the whole Namibian society. It “influences and is influenced by, economic growth and prosperity, the demand for employment, the labour market as well as policies related to education, training, small business development and regional development” (White, 1997:5).

1.6. Statement of the Problem

Affirmative Action has an international application in Countries with different histories. This Policy is a transformation process that is legally driven and aimed at rectifying existing imbalances embedded in past histories. Thus, the Policy of Affirmative Action serves a purpose of creating equitable employment opportunities in the work place.

The problem investigated in this study is to what extent has the implementation of Affirmative Action attained its desired results in Windhoek Municipality? Pertinent to this is to establish how the proactive and remedial measures introduced through the Affirmative Action (Employment) Act No. 29 of 1998, has expedited the implementation process.

1.7. Research Objectives or Purpose of the Study

So far, no academic study has been undertaken by the University of Namibia to evaluate the implementation of Affirmative Action in Windhoek Municipality. The absence of such a study has left a vacuum on achievements and failures in the execution of Affirmative Action by the biggest Municipality in the country. Accordingly, it was not clear as to how the policy has benefited the designated groups in the workforce.

Against this background, the specific objectives of the study were twofold:

1.7.1 Primary Objectives:

To evaluate the implementation of Affirmative Action in Windhoek Municipality in the following fields:

- to establish what has been accomplished through the implementation of Affirmative Action to date
- to establish what measures were set in place to support the implementation of this policy
- to establish the target date set for the completion of the project
- to establish how the Municipality recruits and retains competent staff while balancing that with equal employment opportunity.

1.7.2 Secondary Objectives

As secondary objectives, the study looked at:

- impediments in the implementation of Affirmative Action
- how Affirmative Action has impacted on both the designated and non-designated groups
- the study and analysis of programmes devised to expedite Affirmative Action implementation
- the representation of skilled, middle management, senior management and executive employees by race, ethnic origin, gender and level of seniority to see how the diverse Namibian nation has been incorporated in the workforce.

1.8. Research Methodology

The Windhoek Municipality has nine departments; excluding the City Police that falls within the office of the Chief Executive Officer. Although the workforce composition will vary from time to time depending on recruitments and resignations, the September 2004 workforce profile provided by the human resources department of Windhoek Municipality indicated that there were one thousand four hundred and seventy three employees in the workforce. It was not possible to interview each and every employee and hence limited interviews to parties covered under primary data sources provided in 1.4.1 below. Secondary data sources were reviewed to provide insight on the topic under study.

1.8.1 Primary Data

Semi-structured questions on the implementation of Affirmative Action were used for data collection. A seasoned politician and Member of Parliament (MP) from 1989 to 2005 was interviewed in order to give a background of Affirmative Action in Namibia. At Windhoek Municipality, the Strategic Executive Human Resources was interviewed in order to establish what has been accomplished by the Policy, measures put in place and challenges faced by the institution in reaching its targets.

Members of The Affirmative Action Committee of Windhoek Municipality were interviewed in order to establish their role in the implementation of the Policy. A member of the Appointment Review Committee, which is responsible for ensuring that staff appointments are done in a fair and transparent manner in the Municipality, was interviewed to get information on experiences by this machinery in the implementation process. Some employees in the Paterson C and D were interviewed to establish how they are progressing from one grade to the other, meaning how they have been affected by the Policy. The interviewed employees represented their colleagues in the same categories.

Separately from the above, a Review Officer at the Employment Equity Commission who reviewed Affirmative Action Reports for 2002 and 2003 from Windhoek Municipality was interviewed. This was necessary to get the regulators view over Windhoek Municipality's response to the Affirmative Action Policy. As has been the case with other respondents, the nature of interviews took form of discussing semi-structured questions.

1.8.2 Secondary Data

Affirmative Action is legally enforceable. For this reason, the Namibian Constitution was consulted to establish constitutional provisions on the policy. The Labour Act was consulted because it regulates employment relationships. Given the fact that Windhoek Municipality is a Local Authority, the Local Authorities Act was consulted to get insight on institutional establishments and operations of Local Authorities. Affirmative Action (Employment) Act defines the concept affirmative action, target beneficiaries and the regulation of the policy. This statute was reviewed to match its provisions with the realities in the Municipality.

Affirmative Action Reports by Windhoek Municipality were reviewed because they document the Municipality's intentions and numerical goals. Additional Literature from the Ministry of the Labour and the Employment Equity Commission (EEC) such as National Employment Policies, Annual Reports and Strategic Plans were also looked at for additional information.

1.9 Importance of the Study

Affirmative Action Policy, a reform strategy is an area of interest to many in Namibia. Owing to this background, there is a keen interest in what the policy has accomplished and the manner in which it has been implemented to date. The evaluation of the manner in which this policy has been implemented is important in order to indicate whether the policy has achieved its desired intentions. It is also important to establish whether the Policy has been misinterpreted and or abused detrimental to its purpose.

Needless to say allegations on the misinterpretation of the policy by Windhoek Municipality surfaced in the Namibian newspaper of June 1, 1999, “alleging that the Municipality interpreted Affirmative Action to mean employees were appointed according to ethnic origin”. This deduction cast doubt on whether Windhoek Municipality has implemented Affirmative Action Policy accordingly and hence a need to clarify this doubt by evaluating the implementation process.

My conclusions indicate how Affirmative Action has been implemented in Windhoek Municipality to date. It is followed by recommendations on how the policy can be better implemented. In this manner, it is projected to benefit Scholars, Local Authorities and Windhoek Municipality in particular, the Ministry of Labour, the Employment Equity Commission, the Ministry of Regional and Local Government and Housing and any other party with interest in the area of affirmative action. This benefit will filter to add to the body of knowledge in the discipline of Human Resources Management.

1.10. Limitations of the Study

The implementation of Affirmative Action is a very sensitive issue. It deals with classified information that most organisations are often disinclined to discuss. Part of this is due to the fact that some organisations do not comply with the Policy. In the same vain, there is often a fear of researchers misrepresenting facts and figures on the implementation process. Formalities subjected to during accessing information, was a dilemma experienced by the researcher in this project. Nevertheless, shortcomings in limited information offered, was supplemented by more sources obtained at the office of the Employment Equity Commissioner.

Even though Affirmative Action is aimed at the entire workforce, the unit of analysis was limited to positions in the professional, middle and senior management. This is because these positions are often occupied by people that have completed high school and posses some form of tertiary education. The level of education and roles assigned to these job

grades make employees in such job categories potential beneficiaries of the Affirmative Action Policy. The roles are such that “senior management is concerned with long-term planning, the middle management makes rules and establishes the precedents that enable employees in Bands C, B and A to produce and the professionals work within rules or standards laid down” (Swanepoel *et al.* 2000: 541). Compared to positions in A and B Bands that are occupied by Cleaners, Drivers and Secretaries respectively, it is logical to conclude that Affirmative Action Policy benefits all employees but for this study, it focuses more on the C, D and E Band positions.

1.11. Classification of Chapters

The study is divided into the following chapters:

Chapter 1: Introduction and Statement of the problem

This chapter introduces the study by shading light on the origin of the Affirmative Action Policy, legal framework in place and further defines the concept Affirmative Action, its relevance to Namibia and the dynamics influencing this Policy. Chapter 1 concludes by outlining the classification of chapters that are covered in the study.

Chapter 2: Literature Review

The chapter reviews literature on the subject of Affirmative Action. In so doing, the chapter presents arguments for Affirmative Action as well as those presented against this reform policy. In the arguments, the relevance for the reform is clearly portrayed and supported, while setbacks are also given to give another view over the policy.

Chapter 3: The Implementation of Affirmative Action Programme by the Windhoek Municipality

This chapter introduces Windhoek Municipality, its functions and operational structures. It also looks at how affirmative action was introduced in the organisation and accompanying justifications. The chapter also details and analyze Affirmative Action Plans and the representation of designated groups in different job categories in the

Municipality. Responses from some respondents interviewed are included in order to give their observation of the policy implementation.

Chapter 4: The Assessment of the Windhoek Municipality Affirmative Action: Success and Impediments

The chapter present research findings on the implementation of Affirmative Action in Windhoek Municipality. It starts by looking at achievements realized through the implementation of the policy and goes on to cover impediments to the successful implementation of the policy. The chapter also addresses responses made by interviewed candidates. These include findings from the Employment Equity Commission, Management and Employees of Windhoek Municipality, Union representatives and members serving in the Affirmative Action and the Employment Review Committees among others. The chapter also looks at the demographic representation of the workforce.

Chapter 5: Conclusions and Recommendations

This chapter concludes the paper by discussing a brief summary of the research findings before suggesting the appropriate recommendations, which are also based on the findings. These are made in order to provide alternative approaches to challenges pertaining to the Implementation of the Affirmative Action Policy in Windhoek Municipality.

CHAPTER 2: LITERATURE REVIEW

2.1. Arguments for Affirmative Action

Affirmative Action Policy aims to increase the number of either minorities or majorities at all levels in the workforce. This means that, in any given country, either the majority or the minority can introduce this Policy. Because of this orientation, the majority in the United States introduced the policy in order to “give some form of preferential treatment to ethnic minorities and women” (Bohlander, 1996: 113).

In Namibia, the majority enacted the Namibian constitution and subsequent policies related to the advancement of Affirmative Action. Consequently, the Affirmative Action implemented in Namibia is not about the empowerment of the minorities but rather the majority that were sidelined by the minority in the past, “therein lays a significant difference with the Affirmative Action in United States, Canada and India” <http://www.opm.gov.na/pm/speeches/speech1.htm>.

It is worrying that, “old practices are deeply ingrained in the Namibian labour market, with changes as a result likely to be slow to benefit disadvantaged groups” (Ministry of Labour, 1997:68). It is thus imperative to put in place measures that help expedite the implementation process in order to benefit the designated groups.

The fact that different countries put in place appropriate legal and institutional mechanisms for giving effect to Affirmative Action interventions, demonstrate the importance of this Policy to any country. At the same time, the identification of preferential groups or designated groups as referred to in Namibia is neither new nor unlawful. “Group preferences and quotas have existed in other countries with wholly different histories and traditions” (Sowell 2004:1).

As has been indicated, identifying and introducing preferential groups in Namibia is an accepted practice because this is a global phenomenon in the implementation of

Affirmative Action. It is significant to distinguish that preferential groups may differ from country to country. Whereas as the designated groups in Namibia are women of all races, people living with disabilities and racially disadvantaged men, this criteria might not be the same elsewhere.

Mahanyele (1993: 8), “points that the entire focus of Affirmative Action programmes is deliberately and purposefully to ensure redressing of past imbalances”. This once again reiterates the fact that the Affirmative Action Policy is reform orientated. Jauch (1998:15) see “the objective of Affirmative Action as to achieve employment equity through the elimination of all employment barriers against persons in designated groups”. Through Affirmative Action, employment barriers such as skill deficits among designated groups must be identified and addressed accordingly by training these groups.

White (1997: 5) says the advantage of the implementation of Affirmative Action is that “employees become less vulnerable to direct and indirect discriminatory practices”. This means that Affirmative Action is about equity. In its statement of commitment to Affirmative Action (attached as Annexure 1), Windhoek Municipality seeks to take positive steps to ensure that designated groups (representing the diverse Namibian ethnic groups) are represented in all positions at all levels.

In a Motion on Affirmative Action during the resumption of debate in the Parliament on 19 April 1991, Moses Katjiuongua, MP said “It is not only the people who come from a certain language group in Namibia who need Affirmative Action, but everybody. And proportionality is important in distributing the benefits of Affirmative Action” (Debates of the National Assembly, 1991:136).

It must be noted that Affirmative Action is a reform process introduced to redress the past imbalances. This Policy must benefit all the designated groupings irrespective of their language groups or ethnic origin. This is necessary because skills are spread across diverse people of different languages. Therefore, diversity is imperative in the

implementation of Affirmative Action because it “encourages all individuals to contribute to the success of the company” (White, 1997: 5).

According to Robbins (2001:523), “workforce diversity means that organisations are becoming more heterogeneous in terms of gender, race and ethnicity” (1996:15). This statement once again indicates that Affirmative Action and diversity complement each other. Therefore it is inevitable to avoid Affirmative Action if a nation has not attained equity and diversity in the workplace.

Diversity just like Affirmative Action is a change process. Johns and Saks (2001: 15) “argue that organizations are far from static. They indicate that environmental changes must be matched by organizational changes, if the organization is to remain effective”. Windhoek Municipality must embrace transformation while maintaining effective service delivery. Human resources communication must converse changes, promote good employment practices and decisions that eliminate ethnic and gender imbalances in the workforce.

2.2 Arguments Against Affirmative Action

The Municipality’s approach to Affirmative Action sets that this policy has an important role in overcoming the racial and gender inequalities. However, this policy has been met with resentments in some quotas. Parts of the resentments are due to “failure to come to grips with the actual consequences of Affirmative Action that has been partly due to words that have chameleon-like changes in meaning. In the same way, expressions such as “level playing field” can have diametrically opposite meanings when no distinction is made between performance and favouritism”(Sowell 2004:166).

In the labour sector, “levelling the playing field” imply granting equal opportunity to compete for employment opportunities. This fundamentally entails refraining from giving preference to certain preferential groups. If exceptions are made to favour certain groups over others, then this will not be levelling the playing field. Because of exceptions,

“group preferences have been accompanied by claims that preferences would be temporary and limited in time and scope, with equal treatment policies prevailing outside the limited domain where members of particular groups would be given special help” (Sowell, 2004:3).

Although Affirmative Action must be a “temporary policy embraced by government, businesses and universities as a means of achieving true equal opportunity” (Swanepoel *et al.*, 2000:155), implementing this policy as a temporary intervention has failed in some countries of which India is one. In this country, “Provisions that were set to expire in 20 years have been extended again and again and expanded” (Sowell 2004:23).

The continued extension and expansion of Affirmative Action as in India can defeat the purpose of introducing this Policy as a temporary intervention. This is because continued implementation of Affirmative Action without limiting its time and scope give one group an advantage over other groups. Eventually, this will result into reverse discrimination. Therefore, it is important to have clear timeframes for implementing this policy.

Time is important in the execution of this policy. Hage G. Geingob Prime Minister of Namibia from 1990 - 2002, addressed this issue at the conference on Affirmative Action and its Implications on 24 August 1999. In his speech Geingob“ hoped that over the next twenty years this law would no longer need to be invoked, for, inequality in access to employment opportunities” http://www.opm.gov.na/pm/speeches/speech1.htm_2of_2. This presupposed phasing out the policy by the year 2019.

The National Employment Policies (1997:69) “contemplated that, Affirmative Action Policy is intended to be limited in time, although it is likely to be in operation for many years, and can become more efficient as the level of education and skills increase”. The Ministry of Labour (1997:68) documented that “Affirmative Action Policy could be of benefit to Namibia if widely known”. It states that Affirmative Action could contribute to stimulating the interest of persons belonging to disadvantaged groups in enrolling in and completing educational and vocational programmes, due to an expectation of increased

prospects of employment”. This affirmation is essential to motivate training and development for the designated groups.

Staby in Konrad-Adenauer-Stiftung (1992:22) argue that Affirmative Action must be “as broadly based as possible and obviously also facilitate access to other resources, primarily those involved in education and training”. Training looks at addressing skills, that are required in the labour market without which one cannot be recruited in an organisation where “employees relevant aptitude, potential skills and ability still matters” (Rohan, 1995: 38).

Ford in Rohan (1995: 38) advocates meritocracy in employment by declaring “that equal opportunity means that the company will ensure that individuals are recruited and selected, promoted and treated on objective criteria having regard to relevant, aptitude, potential skills and ability”. “Affirmative Action must achieve equal employment opportunity without lowering standards and without unduly trammelling the career aspirations or expectations of current organisational members who are competent in their jobs” (Swanepoel *et al* 2000:156). Following the above can be a major challenge in circumstances where preferential treatment enjoys priority.

At the same time, Sowell (2004:166) write that “although Affirmative Action is concerned with equity, in too many countries, such policies have turned to be ways of producing relatively minor benefits for a few and major problems for society as a whole”. Sowell (2004:10) validated this point by drawing on lessons from Kenya where “decades later, under preferential policies, Africans served as fronts for Asian-owned businesses. The Policy was manipulated to advance self-interest by genuinely using someone with a qualifying ancestry as a front for business seeking preferential treatment in the awarding of government contracts or the desired benefits”.

According to Jauch (1998:13) “failure of Affirmative Action Policy has also been experienced in Sri Lanka, India and Malaysia. In these countries, Affirmative Action failed to eradicate root causes of inequality by not challenging existing economic power

structures, which determine the distribution of wealth and income”. Unless carefully monitored, the same situation could apply in Namibia, where “an ILO Employment Advisory and Training Policy Mission in September 1990, found that the white 5% of the population accounted for over 70% of the GDP and the black 95% less than 30%” (Figures from Ministry of Labour 1997: 70).

CHAPTER 3 THE IMPLEMENTATION OF AFFIRMATIVE ACTION PROGRAMME BY THE WINDHOEK MUNICIPALITY

3.1 Legal Provision

Windhoek is the capital city of the Republic of Namibia. The Windhoek Municipality renders basic services to the inhabitants of this city. The “2001 census figures place the Windhoek population at 223 364. Out of this, 111 205 represents the male population while the female population number 112 159. The city households are given as 53 428” <http://www.windhoekcc.org.na/default.aspx?page=34>.

This “Municipality is duly established in terms of chapter 12 (Article 102) of the Namibian constitution (1990:54). This section indicates that: “for purposes of regional and local government, Namibia shall be divided into regional and local units, which shall consist of such regions and local authorities as may be determined by an Act of Parliament”.

In November 1992, following the passing of the Local Authorities Act No.23 of 1992, the first local authority elections were held in Namibia. These elections elected “governing bodies for municipalities, towns and villages” (Local Authorities Act No.23 of 1992: 22). Windhoek Municipality was established as a third tier level of government and the only city in Namibia. The Namibian Government has central, regional and local governments. These three levels are respectively classified as first, second and third tier levels of government.

The first tier is the central government, which is presided by the head of state. The second tier governments are regional councils that exercise authority over their respective political regions and are presided by regional Governors. So far Namibia is divided into thirteen political regions. The third tier of government are local authorities such as municipalities, town and village councils. Windhoek Municipality is classified as a third tier level of government because it is a Municipality.

A Chief Executive Officer heads the Municipality Administration System. The CEO ensures through the nine Strategic Executives that their individual departments meaningfully contribute to the purpose the Municipality was created for.

The Municipality administration system is established in line with section 28 (1) of the Local Authorities Act No. 23 of 1992(1992:47). The section provides the need for local authorities to create this system “for the effective carrying out of its powers, duties and functions. It further allows a Municipality Administration System to charge in its administration two or more departments and charge each department with such duties and functions so determined by the local authority council”.

The Municipal departments employ people to render services. By employing staff members, the Municipality becomes a relevant employer in terms of Article 20 (1) of the Affirmative Action (Employment) Act No. 29 of 1998 (1998: 21) This Article states that “the Minister shall identify an employer as a relevant employer by setting out in the Gazette the criteria or the numerical base for calculating the number of employees employed by an employer”. By the end of September 2004 the Municipality’s workforce was 1473. This number exceeds the numerical base of fifty or more employees required to be classified as a relevant employer.

To achieve its intended goals, the Windhoek Municipality came with a vision that commit it “to make the city of Windhoek a vibrant, economic and technological centre of excellence in Africa in order to enhance the quality of life of all the people” (City of Windhoek, 2004: 5).

A mission statement accompanied the vision statement. It reads that, the city is committed to

- “render affordable effective services and infrastructure to our customers through the optimal use of resources, technology and sound financial management.

- create competitive economic development opportunities, while applying sound environmental management principles.
- promote user-friendly culture while encouraging public participation and ensuring customer satisfaction.
- seek co-operation between Government, parastatals and the business community in pursuit of synergy between service providers.
- promote tourism
- Ensure a crime-free environment” (City of Windhoek, 2004:5).

3.2. Operational Structures

The nine departments in Windhoek Municipality are:

3.2.1 Community Services

The community services department employs 132 staff members. It is responsible for community development, disaster management, emergency and health services. These services are practically rendered through certifying food hygiene, fire brigade in the event of fire and ambulances during time of accidents. It also ensures that the city is free from pollution.

3.2.2 Economic Development, Tourism and Recreation

135 staff members serve this department in corporate communications, marketing and customer care, economic development, parks, recreation, cemeteries and tourism among others. The city through this department assumes a corporate social responsibility to the small, micro and informal businesses especially by providing them marketing places to sale their products. Soweto market, an informal business centre in Katutura Township in Windhoek resorts under this department.

3.2.3 Electricity

The electricity department takes charge of the installation of streetlights, traffic lights and all electrical equipments required by inhabitants and industries in the city. The department also ensure that appropriate returns on electricity services offered are collected accordingly. To render uninterrupted services, the department has 108 staff members.

3.2.4 Finance

This department manages the revenue collected from water and electricity consumption, rates and taxes. The Municipality has employed 154 employees in the department, to ensure that billing services, budgeting, financial statements, costing, procurement and revenue collection are carried out.

3.2.5 Information Technology

20 staff members ensure the smooth running of information technology. The department is in charge of the information services such as connecting all staff through internet and intranet and it ensures that required information is retrieved through the use of technology.

3.2.6 Infrastructure, Water & Technical Services

This department employs 443 staff members responsible for taking care of the city infrastructure such as municipality buildings. It also ensures provision of water; reticulation and sewerage water treatment. Additionally, solid waste management, scientific services, technical support, architecture and building maintenance also fall within the department.

3.2.7 Human Resources & Administration

The human resources department is essential in ensuring that the municipality recruit and retain required skills. To this end, 62 staff members are employed to drive organisational development, industrial relations, training and development, staffing and remuneration management, occupational health and safety and administrative services.

3.2.8 Planning, Urbanisation and Environment

The core areas of this department are city planning, management of the urbanisation process, land management, surveying, mapping, valuation of all rateable properties and financing low-income housing (build together programme) in the city. The department has a staff compliment of 69.

3.2.9 Transportation

The Windhoek municipality employs 244 staff members to ensure that transport requirements are coordinated. The functions undertaken include maintenance and administration of the vehicle fleet and bus services, transportation policy, road and bridge construction and maintenance.

In addition to employees in various departments, the office of the Chief Executive Officer (CEO) employs 122 employees. These are 14 support staff to the CEO and 108 members serving in city police.

3.3. Affirmative Action in the Windhoek Municipality

Redressing the white male domination in Municipal structures was fundamental to setting a path for the introducing and implementing Affirmative Action in Windhoek Municipality. This was necessary because, “Affirmative Action cannot take place within

the constrictions and traditions of prevailing forms of governance, organisational structures and power relationships. It requires a much broader focus, at a minimum it requires affirmative change of leadership practices, relationships, distribution and application of power, structures and skills” (White, 1997: 8).

The legal basis for the decision made by Windhoek Municipality to reserve positions for blacks and white females is fully provided in Section 106 of the Labour Act (1990:137). This Section under, subsection 106 (1), “allow implementing any employment policies and practices aimed at the advancement of persons who have been disadvantaged in the labour field by discriminatory laws or practices before the independence of Namibia”.

Male domination in Municipal structures also featured in a speech delivered by Her Worship former Mayor of Windhoek Vivienne Graig who noted in 1997 that, “the Windhoek City Council was largely male dominated in the fields of town planning, emergency services, traffic control, engineering and information services. She went on to say that, it was startling that there were only slightly more than 10% female employees in that organisation, and women employees in management positions ranked as low as 0.1 %” (Balch, Cafey and Kelly, 1997:61).

Three years later, findings of the workforce audit conducted in preparation for the first Affirmative Action Report pointed to the ratio between male and female as 88% male and 12% female respectively. This meant a 2% increase in the workforce by women. Although there was this improvement, fields like engineering considered a male domain and the nature of work performed in the municipality stood as major causes for the slow improvement in female representation. Consequently, the First Three-Year Affirmative Action Plans submitted for 2001, 2002 and 2003 placed priority on black women in particular.

The Municipality came up with a statement of commitment to spell out its interest and approach to the implementation process. The statement of commitment is attached as Annexure 1. An evaluation of the Statement of Commitment signifies that Windhoek

Municipality is an active partner in the implementation of Affirmative Action in Namibia. The Statement of Commitment was complemented by mapping out three focal areas in the policy implementation process:

1. **To promote equal employment opportunity in the workplace:** this is in line with section 17 (1) of the Affirmative Action (Employment) Act (1998: 18) which advocate that “persons in the designated groups enjoy equal employment opportunities at all levels of employment and are equitably represented in the workforce of a relevant employer”. It thus provides room for inclusion of groups that were excluded by colonial practices.

2. **To take positive steps to ensure that designated groups (representing the diverse Namibian ethnic groups) are represented in all positions and at all levels.** According to the Strategic Executive Human Resources, the Municipality, dwell on ethnic groups in order to create diversity in the workplace. She further justified that racially disadvantaged persons, who are part of ethnic groups are provided for in the Affirmative Action (Employment) Act No. 29 of 1998 (1998:20) which reads that “racially disadvantaged persons mean all persons who belong to a racial or ethnic group which was or is directly or indirectly disadvantaged in the labour field”.

“Indigenous groupings in Windhoek consists of the Owambo, Herero, Damara, Nama, Kavango, Caprivians, San, Tswana and Basters, while the western descendant groups are made up of Germans, Afrikaners, English and Portuguese” <http://www.windhoekcc.org.na/default.aspx?page=34> These groups constitute the labour pool from which the municipality draws from. A recruitment strategy focused on recruiting all these groups succeeds in having a racial and ethnic representative workforce.

According to Moses Katjuongua in Debates of the National Assembly (1991:134), “Affirmative Action should not only be confined to the black-white

problematic alone, but should also be applied fairly among the blacks of different cultural backgrounds and political persuasions”. This was a contribution made during the resumption of debate on the motion on Affirmative Action on 19 April 1991 in the National Assembly.

3. **To remove barriers to employment and advance designated groups by overcoming the effects of historic and systemic discrimination:** the incorporation of the above in the Windhoek Municipality’s Policy Statement on Affirmative Action intertwines with Part II, Article 17 (2) (a) of the Affirmative Action (Employment) Act No. 29 of 1998 (1998: 18) “that is concerned with the identification of and elimination of employment barriers against persons in designated groups”. Designated groups can be attracted into a workforce if impediments blocking them from joining such organisations are removed.

3.3.1 The First Affirmative Action Consultative Meeting

In compliance with the Affirmative Action Act, Windhoek Municipality held the first Affirmative Action Consultative Committee meeting on the 2nd February 2001. It was attended by the:

- Strategic Executive: Human Resources
- Manager: Organisational Development
- Manager: Training and Development
- Chief Occupational Health and Safety
- Manager: Labour Relations
- Shop stewards representing Namibia Public Workers Union (NAPWU).

The meeting discussed and worked on the draft Affirmative Action Report. “It also concluded that the Municipality would approach Affirmative Action as a strategic issue and not as part of change” (City of Windhoek, 2001: 58). The First Affirmative Action Committee was formed after a resolution on a criterion to compose this body. This was

necessary because “the effective implementation of Affirmative Action policies and strategies require clarity and commitment to the issues of responsibility and management” (White, 1997:17). The parties set under 4.2 below were appointed:

3.3.2 First Affirmative Action Committee

The following parties were appointed to the first Affirmative Action Committee:

- Chief Executive Officer as Chairperson
- Strategic Executive: Human Resources as senior official
- 1 representative of the disabled with an alternate member
- 2 Union representatives (Local Authority Union of Namibia (LAUN) and NAPWU) with an alternate member
- 1 white male with an alternate member
- 1 representative of the previously disadvantaged with an alternate member
- 1 member with an alternate representing women
- An Affirmative Action Coordinator

The committee was later reconstituted as follows:

- Chief Executive Officer (Chairperson)
- Strategic Executive: Human Resources (senior official)
- Manager: Economic Development (representing previously disadvantaged males)
- Computer Programmer (representing persons with disability)
- Manager: Training and Development (representing previously racially advantaged males)
- Manager: Staffing and Remuneration (representing women)
- Chief Housing and Properties (alternate: representing women)
- Three (3) Union representatives

The composition of the First Affirmative Action Committee depicted disparities in gender representation (see figure 1 below). Male employees accounted for 83.3% while female employees were represented at 16.6%. Male employees in the committee were more senior in ranking than their female counterparts. Needless to say that women were not employed at a level higher than Paterson D-Band or middle management in the workforce. Equally important is to note that the three union representatives and representatives of people with disabilities were all male.

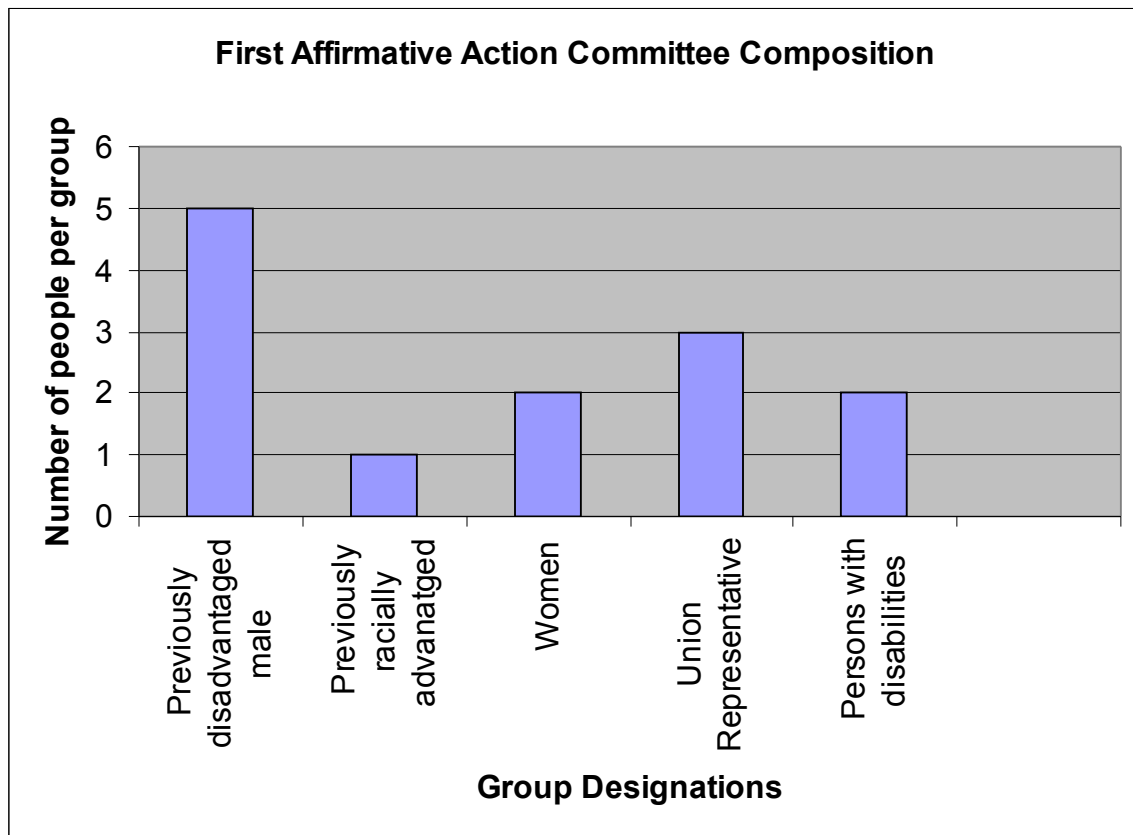


Figure 1: The First Affirmative Action Committee Composition

Subsequent to the formation of the Affirmative Action Committee, the implementation of this Policy became part of the strategic activities. Strategic issues require strategic planning. This is because “planning reduces the impact of change in the environment, gives direction to the organisation, reduces overlapping and wasteful activities, establishes objectives or standards that facilitate control and so on” (Cronje, 1992:117).

3.4. Affirmative Action Reports

3.4.1. First Affirmative Action Report

According to the Affirmative Action (Employment) Act No. 29 of 1998 (1998: 26), “a relevant employer shall submit a First Affirmative Action Report not later than 18 months from the date on which such employer has been identified as a relevant employer or on such other date as the Minister may by notice in the Gazette determine, either specifically for such relevant employer or generally for a category of relevant employers”.

Accordingly, Windhoek Municipality should have submitted the first report 18 months after being identified a relevant employer. This was however not possible because the Manager: Organizational Development who should have coordinated the project was not yet appointed. As a consequence, an application to delay the submission date for the report was made to the EEC on the 2nd of February 2001. This was done in terms of section 27 (2) (b) of the Act. The office of the Employment Equity Commissioner considered the request and granted permission to extend submission of the report by 28 February 2001 in the letter (ref: EEC 065) dated 5 February 2001.

The First Affirmative Action report covered all aspects as required by law. “The workforce profile then (2001) indicated that there was one non-Namibian who occupied

the position of Manager: Valuations, a rare skill in the municipality” (City of Windhoek, 2001:13). The incumbent in this position determines the value of municipal land (both developed and undeveloped). Other responsibilities attached to this position are defending the valuation roll of the Municipality. To avoid continued employment of non-Namibians, a career development agreement was concluded to facilitate skill transfers to Namibians. Two candidates (one male and female) were identified as understudies.

In identifying understudies, emphasis was placed on accommodating designated groups and racially disadvantaged Namibians in particular. The career development agreement aimed “to train identified Namibians to reach managerial level within the next three years from the time of identification” (City of Windhoek, 2001: 12). The timeframe covered the following years: 2001, 2002 and 2003. The study established through the strategic executive: Human Resources that the female understudy who was nominated as an understudy has since been appointed to a middle management position.

3.4.2. Workforce Audit

Affirmative action is aimed at benefiting employees of different gender, race, and ethnic origins. It is thus imperative to conduct a workforce audit to see how groups are represented in the workforce of a relevant employer. It gives information on how positions are distributed across gender, age or race. Based on workforce audit findings, Mayor Vivienne Graig of Windhoek in 1997 recommended that “local authorities should regularly address secondary schools in their municipal areas, informing learners of careers for women in the fields such as town planning, emergency services, traffic control, engineering and information services” (Balch *et al.* 1997:61).

3.5 Three-Year Plan of Action in the First Affirmative Action Report

3.5.1 Plan of action for 2001

In line with the Affirmative Action Act, the Municipality designed measures to address the imbalances within employment structures. A recruitment and promotion plan was

developed to this effect. This meant reserving positions that became vacant due to retirements for designated groups. The aim was to recruit 85% black females, 7.5% racially disadvantaged male and an added 7.5% for persons with disabilities” (City of Windhoek, 2001: 32). The number of vacancies earmarked for this project was 11 and were graded between Paterson grades A1 to B3. Understudies were appointed in only 2 positions for purposes of skill transfers and subsequent promotion.

3.5.2 Plan of action for 2002

The 2002 recruitment plan was a continuation of the 2001 plan, but with a marked 2% increase for black female. This totalled to 87% black females earmarked for recruitment, while the disadvantaged male and persons with disabilities decreased by 2% each to 6.5% per group. “A recruitment drive aimed at replacement of staff members who were going to retire during 2002 was adopted. This approach was in line with the Windhoek Municipality’s recruitment and selection plan” (City of Windhoek, 2001: 33).

The 15 positions that were going to be vacant due to retirement were graded between Paterson A1 to C3. A proposed plan for that particular year was not supported by identifying understudies. Instead, it reflected that 1 racially disadvantaged male and 1 person with disability along with 13 black female were intended beneficiaries of the affirmative action implementation in the Windhoek municipality. In this case, equal employment or promotion opportunities were created for any member of the identified groups to fill vacancies when they become vacant.

3.5.3 Plan of action for 2003

In 2003, the city of Windhoek aimed at recruiting 92% black females and 4% each for racially disadvantaged males and people with disabilities. As in the previous plans namely 2001 and 2002, the 2003 recruitment strategy aimed to fill vacancies by replacing retiring staff with designated groups.

A recruitment and promotion plan for 2003 increased the number of positions available for Affirmative Action purposes. This is evident because the positions had increased from 11 in 2001 to 15 in 2002 and, had eventually increased to 21 in 2003. In 2001 available positions were from grades A1 to B3, A1 to C3 in 2002 and suddenly went down and covered job grades A1 to C2 in 2003.

The city of Windhoek appointed a senior employee to coordinate the implementation process. The coordinator was responsible for the effective monitoring of the entire process. This initiative was necessary to facilitate the achievement of the set three-year plan. This was supported “by a budget allocation to support the implementation of affirmative goals and granting time to the Affirmative Action Committee to convene and consult on Affirmative Action related matters with employees” (City of Windhoek, 2001: 35).

The Action Plans demonstrated that Windhoek Municipality was concerned with promoting equal employment opportunity in the workplace. The outline on recruitment and selection, training and development, promotion and reward stood as appropriate measures for ensuring that the recruited staffs acquire the necessary skills to continue delivering local authority services. Women were recruited at entry level positions and developed to higher level positions.

3.6 Recruitment and Selection

By devising the Three-Year Plan of Action, Affirmative Action achieved a 90% success rate in recruitment. This was said by the Manager: Staffing and Remuneration, a female occupying a D grade position. This was achieved by following transparent recruitment and selection procedures she said. She further noted that recruitment sources were internal for staff in the workforce, whereas both existing employees and prospective new employees from outside the municipality were recruited through external recruitment. However, turnover by the end of each year was cited as a set back to the plan. To this she clarified that, three designated group employees could be recruited during the year but at

the end of the same year, four or five employees from the same group would have left the organisation.

In the process of Affirmative Action implementation, “the Namibian public service has striven not to compromise quality, efficiency or effectiveness of the civil service. While recruiting, the public service maintained qualification requirements and emphasized on experience” <http://www.opm.gov.na/pm/speeches/speech1.htm>. This elaboration disassociated government from downgrading competencies while implementing affirmative action.

In like manner the Windhoek Municipality has ensured that while recruiting, the selection criteria reflect the candidate’s potential to develop and where possible, qualifications and language don’t serve as barriers. By concentrating on the employee’s potential to develop, the Municipality demonstrates commitment to human resource development. At the same time, Windhoek Municipality emphasize treating employees equally. It gives assurance that “services of an employee will not be terminated for the purposes of making way for an appointment of someone from historically disadvantaged group” (City of Windhoek, 2001: 7). In the employment conditions, the Municipality require both new and existing employees to unreservedly adhere to rules of the organization.

3.7. Training and Development

According to Swanepoel *et al.* (2000: 55), “training refers to a planned effort to facilitate the learning of job related knowledge, skills, and behaviour by employees. Development involves acquiring knowledge, skills and behaviour that improve employee’s ability to meet the challenges of a variety of existing jobs or jobs that do not exist”. Thus, the acquisition of strategy related skills are an essential element of the implementation of Affirmative Action strategy.

Windhoek Municipality “recognize that their staff members are the most important asset, and that their vision and mission will only be realized through staff members who possess a vast fund of knowledge, skills and required attitudes through appropriate training and development” (Windhoek Municipality, 2001: 7). For this reason, training and development receives an annual allocation of 1% of the total municipality budget the Strategic Executive Human Resources indicated.

“The Municipality of Windhoek has committed itself to provide adequate training and development opportunities for its entire staff members and will endeavour to provide the facilities necessary for the training and development of its staff members, with the extension of Affirmative Action to human resources empowerment, training and development” (City of Windhoek, 2001: 7). The training and development budget help finance this commitment.

3.8. Promotions and Rewards

The Municipality indicated in the First Affirmative Action Report that it was in the process of designing a performance management system, which would take into account aspects of rewarding and promoting employees. Up to 2004, there was no automatic promotion in the Municipality. The performance management was used to get feedback on staff performance. Performance management “addresses strategic, administrative and developmental purposes” (Noe, 2000: 279). These elements are then linked to support the existence of the Municipality. Performance management system in Windhoek Municipality therefore looks at:

3.8.1 Strategic Purposes of the Organization

While implementing Affirmative Action strategy, Windhoek Municipality monitor that beneficiaries employed under this policy do not impair service delivery. Performance management facilitate linking the employee activities with the organizations goals in the

whole process. Denoting that, the vision and mission statements are linked to measurable staff objectives. This link renders it possible to measure performance. Noe (2000: 279) states that, “one of the primary ways strategies are implemented is through defining the results, behaviours and, to some extent, employee characteristics that are necessary for carrying out the strategy”.

3.8.2 Administrative Purpose

The City of Windhoek gives “equal consideration to its staff and undertakes that rewards and promotions are based on merit, competency, equity, objectivity and transparency” (City of Windhoek, 2001: 7). By this virtue, performance management serve as a determinant of remuneration, especially in paying out performance bonuses. This incentive motivates staff and in so doing, the staff’s full potential is exploited for the benefit of the organisation.

3.8.3 Developmental Purpose

Through performance management, staff performance is measured. Based on the reports of the performance appraisals, required interventions are introduced to develop employee skills. In so doing, the introduction of performance management system in Windhoek Municipality supports Affirmative Action. This is especially true with understudies that are groomed to take bigger challenges.

3.9. Affirmative Action Overview

The Employment Equity Commission indicated that the Policy of Affirmative Action is known and accepted in Namibia. However, the “likelihood is strong that some relevant employers are not submitting their reports” (Employment Equity Commission, 2004:11). Compliant relevant employers are recognized and by merit honoured with awards. Areas considered in issuing awards cover workforce profile composition, the set three-year affirmative action plans, verification of consultations with employees and accomplishment of set targets. Windhoek Municipality is among compliant relevant employers that received awards on the 12th of November 2004.

A Review Officer at the Employment Equity Commission who reviewed reports for reporting years 2002 and 2003 from Windhoek Municipality pointed out that “the Municipality was committed to the implementation of Affirmative Action. He justified his point by referring to the Municipality’s reports submitted to the EEC that covered all aspects related to human resources. Without doubt, these reports have demonstrated commitment to the policy and have contributed to ranking Windhoek Municipality among the best compliant relevant employers” he said.

Asked whether job reservation was an appropriate practice 14 years after independence, the Review Officer indicated that “Affirmative Action could at times be biased in favour of one group in order to create fairness”. But Smith in Konrad-Adenauer-Stiftung (1992:62) counsels that, “Careless application of preferential advancement programmes may cause inefficiency, which will partially offset the benefits of having an integrated workforce more responsive to the different sections of the community”.

3.10. Measures Put in Place to Support Affirmative Action

The Review Officer at the Employment Equity Commission interviewed for this study further said, the “Employment Equity Commission commissioned an impact assessment study on the implementation of the Policy of Affirmative Action in the last quarter of 2004, to establish whether Affirmative Action has outlived its purpose or whether it falls short of its targets and worth extending”. Meaning that this measure was necessary to determine among others whether “Affirmative Action plans bring unqualified people into the work place” (Greenberg’ 2003:176).

It is also no doubt that expectations from the implementation of Affirmative Action will differ from one group to the other. The Namibia Chamber of Commerce and Industry (NCCI), view the implementation of Affirmative Action as aimed at “increasing the demand for employment thereby ensuring employment creation, and is supportive of policies related to education, training, small business development and regional

development” (Gaomab II and Ritter, 2004:1). The NCCI understands Affirmative Action to be an engine for economic growth.

Looking at Affirmative Action from the human resources perspective leads to view this reform as contributing to mitigating industrial unrests by promoting fair recruitment practices. This creates an enabling environment to maximize productivity and increase economic growth. With economic growth, more but better paying jobs are created by industries. Windhoek Municipality view Affirmative Action as a way of compelling employees to provide development opportunities for those people who have been excluded from the main stream of the economic activity as a result of direct discrimination. For this reason it ensures transparency in recruitment.

In support for fair recruitment practices, the Municipality’s Recruitment Policy is such that, the Strategic Executive as head of department endorse the decision of the interview panel (selection committee) and forward this recommendation to the Appointment Review Committee to study all the procedures followed during the short listing, interviewing and recommendation of people for employment. Once this has been ascertained without doubt, the final appointment is concluded. This practice is applicable to positions in the A to D-Bands. What makes this measure more important is that “recruitment is a primary area of potential discrimination and provides a starting point for Affirmative Action” (White 1997:16). It is therefore appropriate to put in place recruitment practices that support Affirmative Action targets.

In the event that the Appointment Review Committee is dissatisfied with the procedure followed in recruitment, it can annul the recommendation and advise the Municipality to follow the correct procedures. So far, the Appointment Review Committee vetoed a decision to appoint a female external applicant into a middle management position and advised the appointment of an internal female employee. This recommendation was implemented accordingly.

The decision to appoint internal staff is in support of the Municipality's strategic intent which aims to increase females in the workforce as covered by the Municipality's Three Year Action Plans for 2001, 2002 and 2003 that indicated that the Municipality's recruitment strategy aimed at replacing retiring employees with more female employees. The target set for this purpose was 85% in 2001, 87% in 2002 and 92% in 2003. The Strategic Executive: Human Resources indicated that the intentions of these plans were ineffective because resignations outnumbered recruitments in the same reporting period.

The Namibia Public Workers Union (NAPWU) representative interviewed indicated that, the mechanisms put in place have immeasurably contributed to the acceptance of the Policy among employees. The union representative who is a C grade employee and a member of the Appointment Review Committee said that "union members were happy with the way Affirmative Action was being implemented in that, the union participated in decision making, a reference to participating in both the Affirmative Action and Appointment Review Committees. Further more, he said "the designated groups are embraced by the policy", an indication that they are benefiting from this reform policy. The union representative also said "NAPWU had not raised disagreements to the way the policy was implemented".

CHAPTER 4: THE ASSESSMENT OF THE WINDHOEK MUNICIPALITY AFFIRMATIVE ACTION: SUCCESS AND IMPEDIMENTS

4.1 Achievements in the Implementation Affirmative Action Policy by the Windhoek Municipality

In the implementation of Affirmative Action, “Windhoek Municipality has not experienced staff performance problems with the designated group appointees; in fact this group complete their probations timely”. This was said by the Manager: Staffing and Remuneration Management. She further said that, “no employees from the designated groupings have been dismissed from work on account of performance”.

Although the Employment Equity Commission does not strongly emphasize the equitable employment opportunities based on ethnic origin as part of the Affirmative Action goals, the Municipality’s statement of commitment attached as annexure 1 of this document record one of the three basic goals of the Municipality’s Affirmative Action Policy as “to take positive steps to ensure that designated groups (representing the diverse Namibian ethnic groups) are represented in all positions and at all levels”. This practice is aimed at ethnic diversity in the workforce of Windhoek Municipality.

Ethnic diversity was visible in the September 2004 workforce profile provided by the Municipality. The San were in minority at 0.1% and the Owambos were the dominant group at 40.6%. Other ethnic groups that were in the workforce were: Afrikaners, Basters, Caprivians, Coloureds, Damaras, English, Germans, Hereros, Kavangos, Namas and Tswanas. The figures used in Table 1 were obtained from Windhoek Municipality and were drawn from the workforce profile of September 2004 as seen on the next page.

Office/ Department	Ethnic Composition 2004												
	Afrikaner	Baster	Caprivi	Coloured	Damara	English	German	Herero	Kavango	Nama	Owambo	San	Tswana
Chief Executive Officer	4	0	0	1	1	1	0	2	0	0	5	0	0
City Police (CEO's Office)	9	11	6	8	10	0	1	14	5	10	25	0	9
Community Services	33	9	9	10	10	0	2	18	5	5	28	2	7
Economic Dev	4	3	2	9	15	1	2	13	0	2	82	0	0
Electricity	24	4	1	6	6	0	2	7	1	1	45	0	3
Finance	25	14	7	21	12	0	1	27	1	8	32	0	6
Human Resources	6	4	3	10	6	0	0	4	1	3	24	0	3
Information Tech	5	1	2	3	1	0	1	2	0	1	3	0	0
Infrastructure	22	16	7	33	49	5	0	66	9	7	216	0	5
Planning & Urban	16	2	0	6	6	3	1	10	0	2	19	0	1
Transport	24	3	0	15	8	1	3	51	1	5	115	0	5
Total	172	67	37	122	124	11	13	214	23	44	594	2	39
Percentage in the workforce	11.7%	4.5%	2.5%	8.3%	8.4%	0.7%	0.8%	14.6%	1.5%	3.0%	40.6	0.1%	2.6%

Table 1: The total ethnic composition of the workforce in Windhoek Municipality by September 2004

(Source: Workforce profile September 2004, Windhoek Municipality)

In order to establish the impact of Affirmative Action on the distribution of positions among different designated groups, the study looked at the 2001 distribution structure of positions among different designated groups. The representation of 2001 figures was as shown in Figure 2 below:

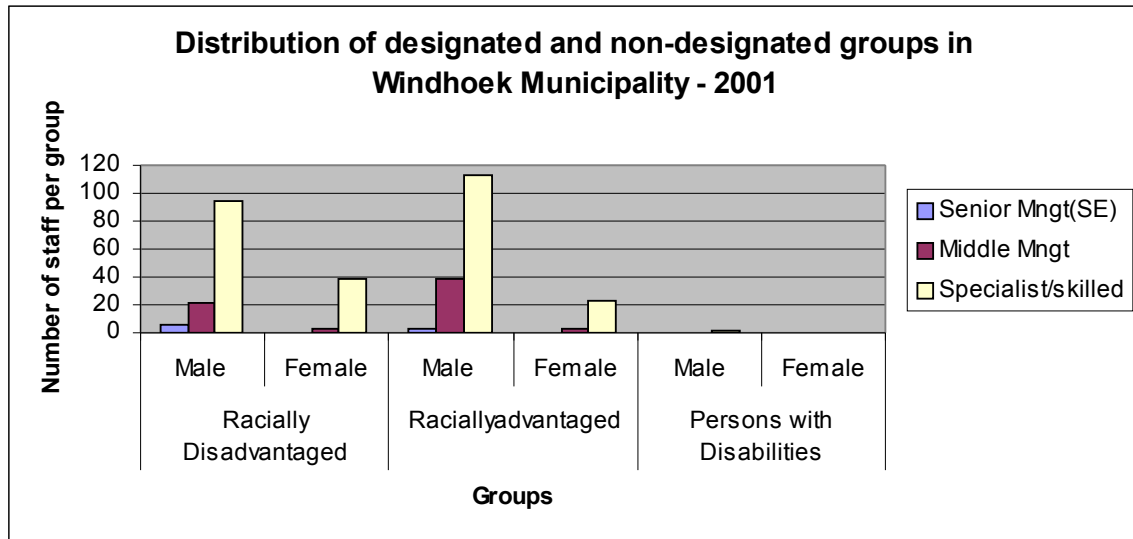


Figure 2: Distribution of designated and non-designated groups in Windhoek Municipality – 2001

Figure 2 shows that most employees in the ranks under scrutiny were employed in the C-Band. An analysis across different designations and Bands, presents that people with disability did not feature in the specialised, middle management and senior management positions. Racially advantaged male employees were in majority in the specialised levels, followed by racially disadvantaged male, female and the racially advantaged female.

Figure 2 further depicts that positions in middle management were only occupied by males from racially disadvantaged and racially advantaged backgrounds. The racially advantaged males were comparatively more than their racially disadvantaged counterparts in this category.

Despite the fact that there was no female employee in senior management in 2001, by 2004 this category was represented by females from racially disadvantaged backgrounds at 22.2%. Although this composition was from one race, it is encouraging to note that, the 22.2% female representation at this level in the Municipality was more than “the total female representation of 14% at the same level in the sector covering Local Government, Water and Related Services 14%”(LaRRI, 2005: 38) in which the Municipality falls. This sector formed part of different sectors in the LaRRI report of 2004. The observation on the distribution of designated and non-designated groups in C, D and E Bands is graphically represented below in Figure: 3.

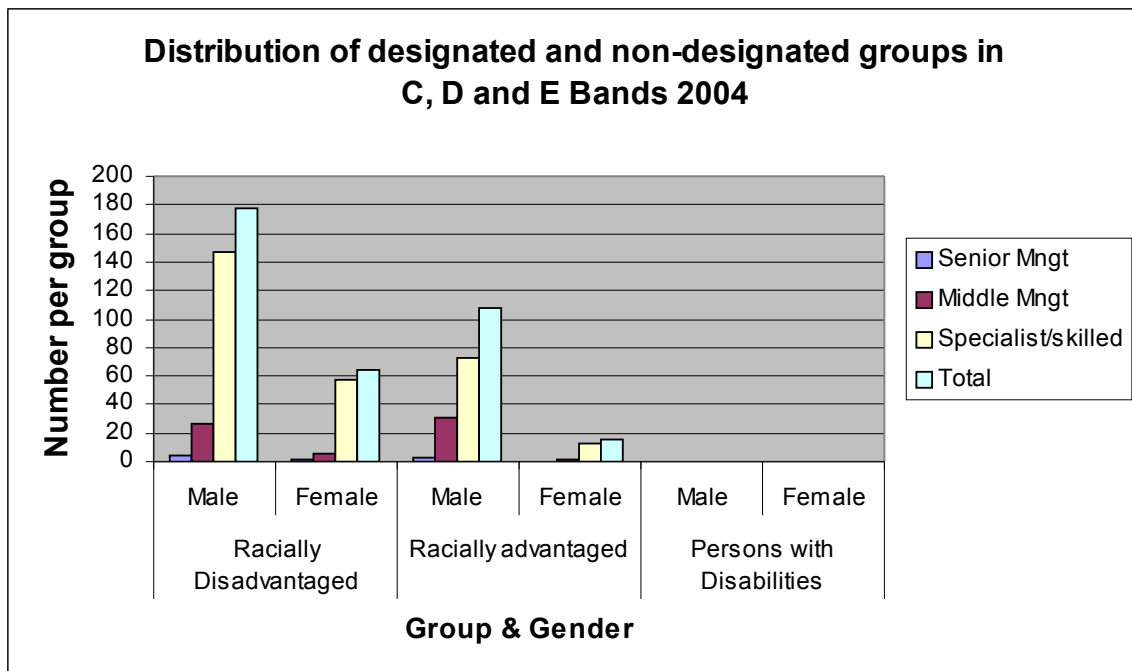


Figure: 3 Distribution of Designated and Non-designated groups in C, D and E Bands 2004

By 2004, the racially disadvantaged males in senior management accounted for 44.4%, with 33.3% being racially advantaged males. The racially disadvantaged males and females were represented at 66.6% in senior management. However, the racially advantaged females and people with disabilities of both races and sex were not represented at this level.

The Municipality's female representation in middle management in 2004 was comparatively lower than the female representation in the sector covering Local Government, Water and Related Services. "Whereas the sector recorded a 12% racially disadvantaged females in middle management in 2004 (LaRRI 2004: 12), the Municipality's middle management only had 7.6% females. Out of this, racially disadvantaged females were represented at 4.6% and racially disadvantaged females accounted for 3%. More significant to note is that racially disadvantaged and racially advantaged females were not represented at this level in the Municipality workforce in 2001. Meaning that, the fact that middle management had a 7.6% female representation in 2004 was an achievement by the Municipality.

In 2004 still, the middle management distribution of positions showed that, racially disadvantaged males were represented at 41.5% while 47.6% represented the racially advantaged males. As a result, the trend in middle management did not change much, the implication of which was that the racially advantaged males remained in majority in 2004 in this category.

4.2 Impediments to the Successful Implementation Affirmative Action in Windhoek Municipality

The study established that persons from the designated groups continue to be underrepresented in the executive, senior and middle management job categories. “This is evident in the sector of Local Government, Water and Related Services that accounts for 3.6% of all employment in Namibia. In 2003-2004 the distribution of management positions between male and female in this sector were 82% and 18% respectively” (Employment Equity Commission, 2004: 18).

The Employment Equity Commission related that “the percentage of the previously disadvantaged Namibians at management level declined in the year 2002-2003. The cause of this was not fully established, but the Employment Equity Commissioner is on record that “not many previously disadvantaged Namibians met the necessary qualifications and required experiences for top positions” (The Namibian 30 October 2003). The cause of this was that “in instances in which black people had not done a good job when placed in these positions might have reinforced the mindset at some corporations that it was a risk to employ racially disadvantaged people”<http://www.namibian.com.na/2003/October/national/0333C19f2.html>. Although the above assumptions might have been raised in some corporations, Windhoek Municipality has been spared in areas of performance.

A review of gender representation in the Municipal structure, pointed to male domination in all departments and job categories under study. This is in spite the fact “that 90% of recruitments in positions that became vacant due to retirement from 2001 to 2004 were supposed to be for designated groups” (City of Windhoek, 2004: 6).

Levels	Racially Disadvantaged		Racially advantaged		Persons with Disabilities	
	Male	Female	Male	Female	Male	Female
Senior Management	4	2	3	0	0	0
Middle Management	27	5	31	2	0	0
Specialist/skilled	147	57	73	13	0	0
Total	178	64	107	15	0	0

Table: 2 The 2004 Distribution of Designated and Non-designated groups in Paterson Band C, D and E in Windhoek Municipality

A major paradigm shift though was noticed in the professional level or C-Band. Where as racially advantaged males were the dominant group in 2001, by 2004, racially disadvantaged males were leading at 50.6%, they were followed by the racially advantaged males at 25.1%, racially disadvantaged females at 19.6% and racially advantaged females at 4.4%. Despite this shift, people with disabilities were not represented at this level.

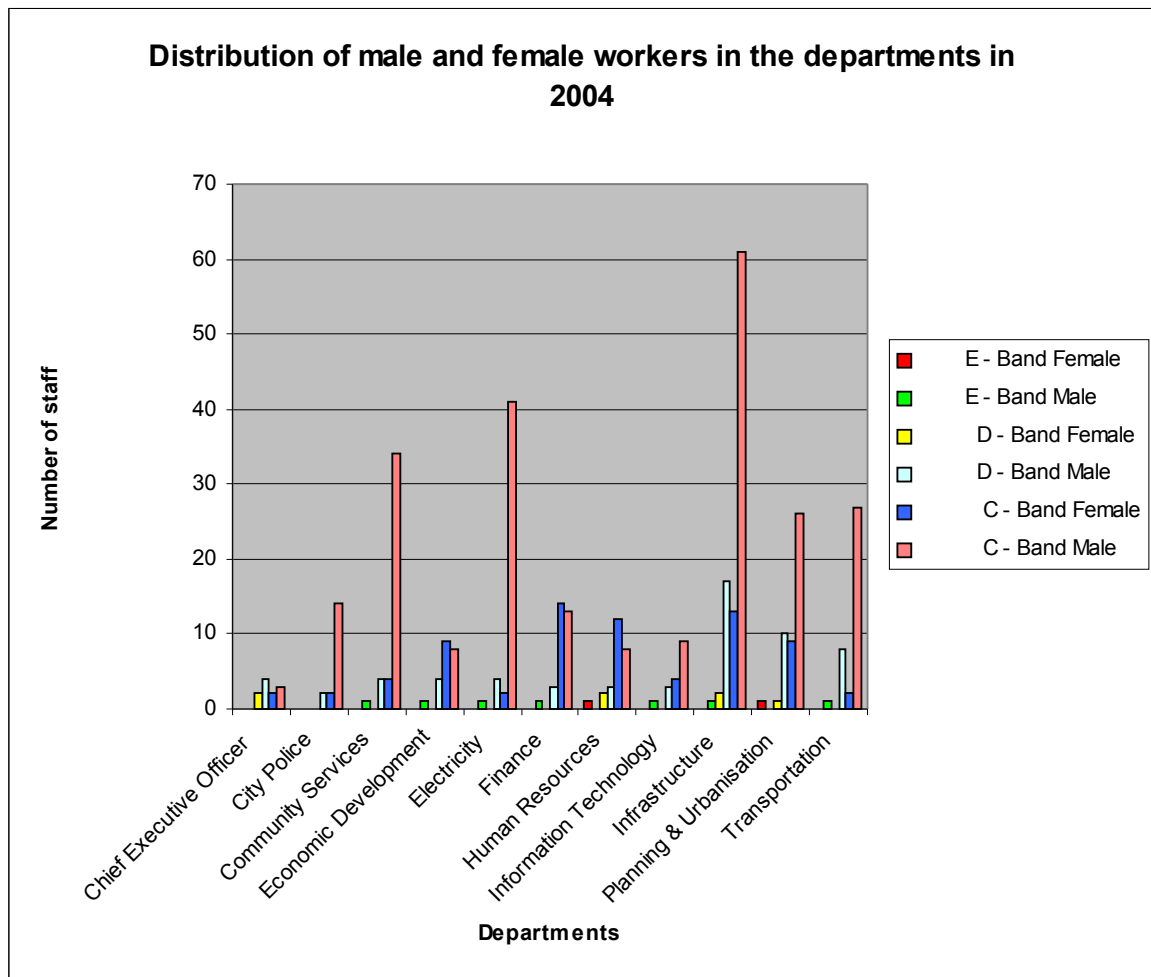


Figure 4: Distribution of male and female workers in the departments in 2004

A cross departmental comparison of 2004 as seen above in Figure: 4 showed that in the C-Band job category, female employees were in majority in only three departments namely: Economic Development, Finance and Human Resources. In these departments they were 27.2% more than males. In middle management or D-Band, female employees were not represented in City Police (that resorts in the office of the CEO and covers security and traffic police), Community Services, Economic Development, Electricity, Finance, Information Technology and Transportation. Women were only visible at 40% among the support staff in the office of the Chief Executive Officer, 40% in Human Resources and 11.7% in infrastructure and planning and urbanisation.

Office/Department	F - Band		E - Band		D - Band		C - Band		Disabled	Total Per Department
	Female	Male	Female	Male	Female	Male	Female	Male		
Chief Executive Officer	1	0	0	2	4	2	3	0	12	
City Police	0	0	0	0	2	2	14	0	18	
Community Services	0	0	1	0	4	4	34	0	43	
Economic Development	0	0	1	0	4	9	8	0	22	
Electricity	0	0	1	0	4	2	41	0	48	
Finance	0	0	1	0	3	14	13	0	31	
Human Resources	0	1	0	2	3	12	8	0	25	
Information Technology	0	0	1	0	3	4	9	0	17	
Infrastructure	0	1	0	2	17	13	61	0	93	
Planning & Urbanisation	0	0	1	1	10	9	26	0	47	
Transportation	0	0	1	0	8	2	27	0	38	
Total	1	2	7	7	62	73	244	0	396	

Table 3: The 2004 Departmental Female and Male representation in F, E, and D and C Bands

The inability to offer market related remuneration was cited by Windhoek Municipality as a set back in attracting female employees into the workforce. This was attested to by the Strategic Executive: Human Resources. She authenticated this with an example of the Municipality's failure to recruit a female Engineer in a middle management position. The Municipality was unable to attract a female Engineer because it could not make a better offer than the counter offer made by her employer.

Walvis Bay Municipality shared a similar experience and concluded that “the most difficult aspect in the implementation of their Affirmative Action Plan was to attract qualified and experienced female management level. Walvis Bay Municipality experienced that when senior female employees were appointed, their current employers simply increased their salaries to keep them to avoid losing them; otherwise they in turn have a problem”<http://www.economist.com.na/2002/16aug/08-16-08.htm>.

Apart from the above experiences, the Strategic Executive: Human Resources in Windhoek Municipality further noted that they received very few applications from racially advantaged females. This affected the representation of females in specialised, junior and senior management positions. What is more, the Municipality received fewer applications from people with disabilities. The cause of this was attributed to the nature of work performed in the Municipality; that at times demanded hard labour.

In an attempt to resolve this challenge the Municipality initiated a bursary scheme aimed at equipping female Namibians with technical and engineering skills. Upon completion of studies, female graduates are recruited into Municipal structures and ultimately contribute to the success of their Affirmative Action Plans.

“The 2001 population and housing census recorded that there were 85567 people with disability nationally” (Employment Equity Commission, 2004: 5). Even though they are part of the labour force, people with disabilities are too few in the employment market. To accommodate this group in the workforce, Windhoek Municipality provides an annual quota specifically aimed at recruiting this group as part of its Affirmative Action Plans. Additionally, there is a special exception to receive late applications for advertised positions from this group. But this has failed to achieve desired intentions i.e. attracting this group into the Municipality workforce.

Employees living with disabilities who are in B-Band Category were interviewed to get insight on their view of the implementation of Affirmative Action in Windhoek Municipality. They felt that although they were physically challenged, they were not

employed on account of disability but were considered based on the skills that they possessed. The female respondent who formed part of the sample joined the Municipality as a switch board operator but had progressed to the position of Senior Clerk. The other physically challenged employee interviewed was a wheel chair bound receptionist.

The employees with disability requested that the municipality must give them sufficient time to consult with colleagues on matters related to Affirmative Action. They were also of the opinion that disabled employees must be given an opportunity to join the workforce and improve their skills while employed. Asked about the above concerns, management indicated that it recruited people with disabilities and developed them to meet the desired competencies. Management also indicated that people living with disabilities were given sufficient time to consult with colleagues and were also represented in the Affirmative Action Consultative Committee.

Employees with disabilities also raised a concern about the municipal infrastructural settings, which they felt put their health and safety at risk. The ablution facilities were cited as one area where they faced challenges in accessing. They also felt that the emergency fire exits were not suited for disabled employees. As a result, they feared that it will be difficult for disabled employees to survive fire gutting the place. This is aggravated by the fact that the lifts are regulated by electricity, which could go-off when fire lights the place.

Further, the respondents indicated that failure to access some buildings was a major concern. As service providers, they encouraged the Municipality to make access into the buildings easier. Asked about these concerns, management was quick to point out that it had so far improved the ablution facilities and intends revamping the entire structures to meet both their staff and customer needs.

CHAPTER 5 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

The Windhoek Municipality is exemplary in the implementation of Affirmative Action. It has recorded female representation in senior and middle management. Yet, the study observed in 2004 that people living with disabilities were not represented in the specialised, middle and senior management.

The recruitment measures put in place are commendable and have to a larger extent produced visible results, by supporting the organisation's strategic intent. Internal recruitment has ensured retention of available talents as external recruitment attracted new talents from designated groups into the municipality.

The establishment of the Appointment Review Committee to support the Affirmative Action programme is a good initiative. It fosters transparency because it is a measure against nepotism and favouritism.

The fact that Windhoek Municipality consults its employees through the Affirmative Action Consultative Committee has made the acceptance of the policy among employees fairly easier. This approach enables employees to contribute to the implementation of the Policy. The study concludes that Affirmative Action is directed at employees; therefore failure to consult them renders the Policy ineffective. By consulting employees directly or through union leadership, the Municipality exercises transparency in its intentions.

Although not provided in the Affirmative Action Policy, the inclusion of ethnic groups in the policy implementation process creates ownership of the policy by all ethnic groups. This measure is not in support of apartheid practices but rather necessary in a country where people were previously more confined to their respective ethnic groups.

Workforce diversity through recruiting all ethnic groups has an advantage of bringing in new talents from the diverse Namibian society. It has a characteristic of Namibianising the workforce, which is good for a Municipality serving people from all walks of life. It is encouraging to realise that no single ethnic group is numerically represented at 50% of the workforce composition.

5.2 Recommendations

Windhoek Municipality must aggressively address succession planning. This is in order to ensure that female Employees are equipped with required skills. Succession planning must involve identifying more women in the workforce to understudy men occupying specialised, middle and senior management positions. This must be complemented by a mentoring scheme for young women that are still in High School. This scheme must advocate inviting the identified groups to go for field visits at the Municipality in order to familiarise themselves with activities undertaken by the institution. These familiarisation visits will change the mindset of young women and eventually motivate them to join fields that they previously viewed as male orientated.

Recruiting people with disabilities must be a strategic objective. One possibility is to identify scholars and pay for their studies through tertiary education. Upon graduation, these students could be obliged to work for the Municipality. Although this appears to be a long process, it is the best way of attracting disabled people into the Municipality workforce.

Internal and external recruitment must continue to focus on meritocracy in order to avoid mediocre performance. When appointing people into critical positions, a clear focus on recruiting capable people must not be compromised i.e. no diversions from set framework must be entertained. The Affirmative Action and Appointment Review Committees must at times concede to this in the interest of the city and its inhabitants.

The indication by the Municipality to recruit all ethnic groups must not only be indicated in the statement of commitment but must be put in practice. It must be enforced across the organisation and all its departments and offices. By so doing, Affirmative Action will unify the diverse workforce of the Municipality. Reform processes are often resisted. Owing to this fact the implementation of Affirmative Action must be done gradually.

Affirmative Action must be monitored so that its implementation does not exclude non-designated groups from progressing in their careers. The policy monitoring must be done consistently in order to retain talents that are already in the Municipality.

Although the Policy is silent on the phasing out of the Affirmative Action Policy, the Municipality must have its own time table for the completion of a pro-active Affirmative Action programme. This will enable the organisation to take care of its own plans and execute them timely.

ANNEXURE 1



. STATEMENT OF COMMITMENT

In striving towards our vision and living out mutually agreed values, we are committed to actively develop all employees in the City of Windhoek. We believe that the development of staff to their maximum potential will contribute measurably to the City's success.



- 1 In the context of Namibia's history of apartheid, we believe the City of Windhoek has a specific responsibility to provide development opportunities for those people who have been excluded from the main stream of the economic activity as a direct result of discrimination.
- 2 It is the policy of City of Windhoek to ensure equality of opportunities for employees regardless of race, color, gender, national origin, sex, age, and mental or physical disability.
- 3 Our Policy on Affirmative Action as adopted revolve around three basic goals:
 - To promote equal employment opportunity in the workplace.
 - To take positive steps to ensure that designated groups (representing the diverse Namibian ethnic groups) are represented in all positions and at all levels.
 - To remove barriers to employment and advance designated groups by overcoming the effects of historic and systemic discrimination.
- 4 The City believes in the principle of meritocracy. As such, people will be recognized for their level of competence/skill and merits. The affirmative action process will be driven in line with our core values:

- ◆ Individual respect and dignity
- ◆ High quality standards in all aspects of our business
- ◆ Performance improvement through empowerment and team work
- ◆ Obsession with customer care

As both commercial and political capital, the City of Windhoek recognizes, acknowledges and accepts this central role, which is in line with our Vision and Mission.

.....

Martin Shipanga
CHIEF EXECUTIVE OFFICER

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