

# The Effectiveness of Affirmative Action Policy In Namibia, Particularly the Public Sector

Dr. Sitali B. Lwendo & Dr. Vincent Ntema Sazita  
University of Namibia

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## 1. Introduction and background of the research paper

### 1.1 Introduction

The paper focuses on the background information, the research problem the significance of the research paper. A literature review will follow to present the context of the research by looking at what work has been done by other researchers and what needs to be done in order to fill the gaps.

### 1.2 Background of the research paper

Before independence in 1990, many Namibians did not enjoy equal employment opportunity due to apartheid. The country was characterised by inequality and it was perceived that there is a need for affirmative action to bring about change in previously discriminatory society. After Namibia's independence in 1990, the Affirmative Action policy Act (Act 29 of 1998) was introduced with the aim of addressing employment opportunity and bridging the gap between the previously advantaged and disadvantaged groups. The purpose of the policy was to reform and transform the society by redressing the past imbalances in terms of employment opportunities to previously disadvantaged groups. The implementation of the policy is expected to be an important attempt to remedy the situation.

Unequal employment opportunities have been observed in many countries around the world. This has sensitised the development of an intervention policy to address this problem. Rossouw and van Vuuren (2010) define Affirmative Action as a "temporary intervention of preferential treatment to rectify the consequences of discrimination in order to enable people to compete as equals for opportunities". The nature of this policy eminent from the United States of America in 1961 where the then President, Mr. John N Kennedy came up with an initiative of encouraging non discrimination of people in employment because of their colour.

Many countries around the world adopted the use of this policy for the same purpose. African countries like South Africa and Namibia are also using the Affirmative Action policy in order to correct past segregation of racial discrimination

which was influenced by the apartheid. In some countries, Affirmative Action seems to be indefinite with no time line, it has been in existence for a long time and as a result it is negatively affecting those that are not catered for in the policy. The policy seems like a reverse discriminatory policy for those who were previously on the advantaged side. It is often said that the objectives of Affirmative Action is to bridge the gap between an unfair past and future dispensation of fair employment and to address imbalances caused by prolonged discrimination. (Rossouw and Van Vurren 2010:169)

Despite the improvements brought by this policy, racial and gender discrimination were some of the practice and ideologies of the apartheid from which the majority of Namibian suffered from. Few people, even if not qualified for the jobs were given preference, simply because of their colour at the expense of other qualified Namibians. Past practise in pre-independent Namibia saw discrimination of blacks and women in terms of employment. Article 23 of the Namibian Constitution envisaged the enactment of laws and policies that would redress these past injustices (Government Republic of Namibia, 1990). One of such policy is the Affirmative Action Policy. The main purpose of this temporary intervention was to eradicate employment discrimination among groups who were previously disadvantaged.

### 1.3 Statement of the Problem

After Namibia's independence in 1990, the Affirmative Action policy Act (Act 29 of 1998) was introduced with the aim of addressing employment opportunity and bridging the gap between the previously advantaged and disadvantaged groups. The purpose of the policy was to reform and transform the society by redressing the past imbalances in terms of employment opportunities to previously disadvantaged groups.

Despite these efforts by the Namibian government, there are still unequal employment opportunities among the Namibian people. This policy has a negative impact on both groups who were previously advantaged and those who were

disadvantaged. The biggest challenge facing the Namibian Government is how to address past injustice such as employment equality without compromising performance. (Government Republic of Namibia 1990). Affirmative action is viewed as criteria of employing incapable people simply to comply with the requirements of the policy. These ill-feelings towards the policy have the potential to result into sabotage of the organizational performance and working environment.

Dale(2002) states that the intent of the Affirmative Action policy is believed to be misunderstood in many countries, both in the public and private sector. The aim is to eradicate imbalance in employment opportunity, but instead it is seen as a reverse discrimination to the previously advantaged. This policy has a negative impact on both groups who were previously advantaged and those who were disadvantaged. He further argues that the policy breeds resentment between blacks and whites, women and men and various ethnic groups. Formally advantaged individuals who are denied jobs or promotion might wonder if the outcome of employment opportunity might have been different in the absence of the policy and naturally, they begin loathing the individuals and groups who benefit from the policy and as a result these ill feelings can have a negative impact on the performance of an organisation. He also observed that ill-feelings breed by affirmative action can affect the service delivery of an organization if not properly managed. As for the previously disadvantaged groups, they may feel that they don't deserve the appointment or promotion because they were not appointed or promoted on merit but rather on fulfilling the requirements of a policy. This can also demoralize individuals to perform their outmost best and as a result, productivity of an organization suffers.

#### 1.4 Significance of the study

Since the inception of Affirmative Action Act no 29 Of 1998, limited research have been undertaken to analyse the effectiveness of affirmative action on the employment of previously disadvantaged groups (Jauch, 1998; LaRRI). The research paper gives insight on the effective implementation of the Affirmative Action policy and it is hoped that the paper will help the Namibian Government to interpret the policy so that it motivates all employees in delivering their services effectively as well as assist to give direction to future high level initiatives. The paper is also expected to contribute to the body of knowledge on the subject by determining whether or not Affirmative Action policy is still necessary or not. It will also serve as

a guiding tool to future researchers who would wish to conduct research on the effectiveness of Affirmative action in the public sector.

## 2. Literature review

Van As (2000) defines a literature review as a critical summary and assessment of the range of existing literature in a given field. Literature review can be restricted to books and papers in one discipline or sub discipline or may be ranging in approach. The main purpose is to situate the research to form its context or background and to provide insight into previous work.

Roussow and van Vuuren (2010) state that African colonial history is blemished by acts of large –scale exploitation and discrimination against black people. The term Affirmative Action originated from the United States of America where its purpose was to help African American to become full citizen to eradicate racial discrimination in access to voting.

Australia is one of the counties in the world who developed legislation on Affirmative action. Kern (2011) states that the major features of the Australia's Affirmative Action require all private sector employers of 100 or more people to develop and implement an Affirmative Action programme to provide equal employment opportunity for women. Bergmann (1996) argue that in the United States of America (USA), the Affirmative Action policy was developed with the purpose of eradicating discrimination against black Americans and it was later expanded to other minority groups and women. He further states that affirmative action in the USA was implemented to deal with systematically discrimination in hiring policies and in career opportunities. In the Namibian and South African context, the Policy was developed with the intention of eradicating imbalances in employment opportunities for groups who were previously disadvantaged such as women, the disabled and groups who were previous disadvantaged because of their colour. Edley (1998) state that most of the Affirmative Action policies in various countries are too broad. He further state that the policies advocate for equality but no time frame is attached to it about when these different countries anticipate to achieve it. As a result it has resulted in decreased moral because many black people wonder whether they are appointed for their skills or for their colour while white people are frustrated by a narrow window of opportunity, thus decrease in their moral.

In Namibia and South Africa, Affirmative Action policy came as a result of apartheid that discriminated against black people. "In contrast to the situation in the USA, where the minorities suffered discrimination, in Africa, the majority suffered discrimination", Beckwith and Jones (1997: 87). They further state that "discrimination against black people coincided with extensive discrimination against women and this gender discrimination was and still is being caused by cultural beliefs and gender stereotypes among other factors". The Purpose of Affirmative Action Act in the Namibian context is "to achieve equal opportunity in accordance with Article 10 and Article 23 of the Namibian Constitution; to provide for the establishment of the Employment Equity Commission; to redress through appropriate affirmative action plans the conditions of disadvantaged in employment experienced by persons in designated groups arising from past discriminatory laws and practices; to institute procedures to contribute towards the elimination of discrimination in employment and to provide for matters incidental thereto" Affirmative Action act, 1998 (Act 29 of 1998). To ensure that this policy is adhered to in Namibia, the Affirmative Action act, 1998 (Act 29 of 1998) stipulates that "Employers shall analyze their workforce to determine whether persons in designated groups are equitably represented, review and evaluate his or her employment practices". This report should be submitted to the Labour Ministry on an annual basis.

Darity(2005) stated that affirmative action constitute a set of positive antidiscrimination measures intended to insure for members of groups who otherwise would be excluded or underrepresented in preferred positions in society. Katznelson (1990) in his study concluded that the policy makes provision for equal access to employment prospects. It aims at fair employment as well as distribution of resources in an equitable manner. However the Namibian government is faced with challenges on implementing the policy without compromising effective service delivery. Delivery of efficient and effective services requires skills, experience and qualification which most of those that were previously disadvantaged do not possess. Thus the biggest challenge facing the Namibian Government is how to address past injustice without compromising on service delivery and performance.

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#### **Keywords:**

- Affirmative Action
- Discrimination
- Employment
- Policy
- Public Sector

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