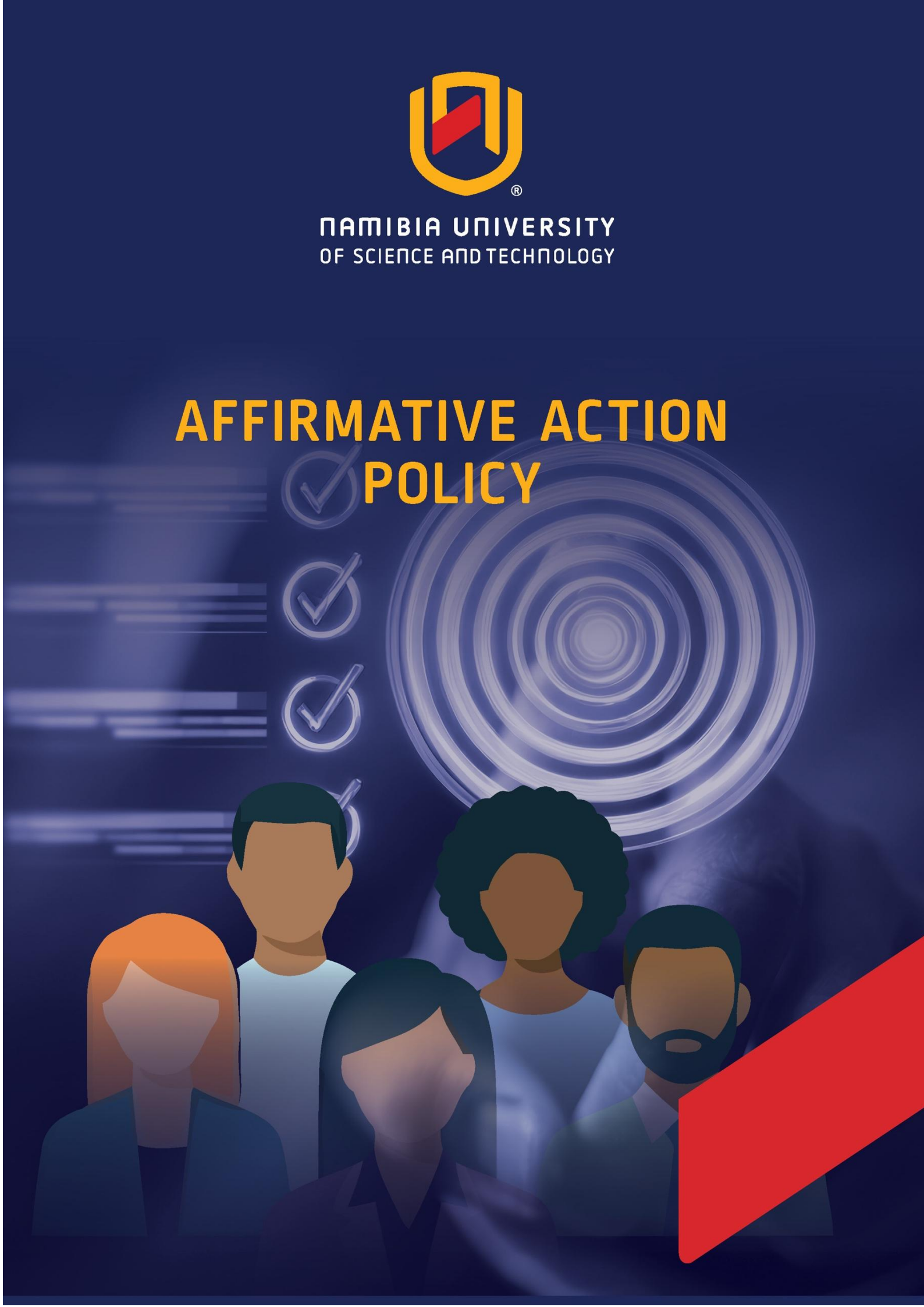
NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

AFFIRMATIVE ACTION POLICY



UNIVERSITY OF SCIENCE AND TECHNOLOGY
HUMAN RESOURCES DEPART MENT AFFIRMATIVE ACTION POLICY

Policy Number	1/P/4/5/COUN/HC	
Policy Custodian	*Deputy Vice Chancellor: Human Capital and Student Services*	
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Status	*Approved*	
Legal Scrutiny	*Chief Legal Advisor*	
Date of Approval by Senate	*20 July 2026*	
Date of Approval by Council	*07 August 2026*	
Effective Date	*07 August 2026*	
Date of Review	*Every five years or when deemed necessary*	
Related Policies and other Documents (External and Internal)	**External**	**Internal**
	Affirmative Action (Employment) Act, 1998 (Act 29 of 1998)	*Human Capital Code*
	Namibian Labour Act, No.11 of 2007	*Recruitment and Selection Policy*

	Employer's Guidelines to Affirmative Action	*Staff and Organisational Development Policy*
	Employment Act, Act No. 29 of 1998	*Talent and Succession Policy*
	National Disability Council Act, 2004, Act No. 26 of 2004	
	Namibia University of Science and Technology Act No 7 of 2015	

Version	***Date Approved/ Recommended***	***Approved/ Recommended by***	***Amendment/New Policy***
1	20 July 2026	Senate	New Policy
1	07 August 2026	Council	New Policy

AUTHENTICATION

Vice-Chancellor's Signature: _____ Date: 08/10/2026

Acting Registrar's Signature: _____ Date: 11/09/2026

University Seal:



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ABBREVIATIONS AND ACRONYMS

Abbreviation	Meaning
AAC	Affirmative Action Committee
AAR	Affirmative Action Report
EE	Employment Equity
EEA	Employment Equity Act
VC	Vice-Chancellor

Acronym	Meaning
EXCO	Executive Committee
NUST	Namibia University of Science and Technology

DEFINITIONS

Term	Definition
Act	Means the Affirmative Action (Employment) Act No. 29 of 1998.
Affirmative Action	Refers to a set of measures designed to ensure that individuals from designated groups have equal employment opportunities at all levels of employment and are equitably represented in the workforce of the University.
Affirmative Action Consultative	Means a committee mandated to monitor and report on the implementation of Affirmative Action objectives in line with the approved Affirmative Action plan.

Advisory Committee	
Affirmative Action Measure s	Refers to measures aimed at ensuring suitably qualified individuals from designated groups have equal employment opportunities and equitable representation across all occupational levels.
Affirmative Action Plan	A three-year action plan detailing the Affirmative Action measures and objectives to be implemented by NUST, as submitted to the Employment Equity Commission**.**
Affirmative action compliance Certificate	Means an affirmative action compliance certificate referred to in section 41 of the Act.
Affirmative action report	Means an affirmative action report referred to in section 27 of the Act. A report detailing the progress and status

	of the Affirmative Action plan, submitted to the Employment Equity Commission no later than twelve months after the submission of the first report.
Commission	Means the Employment Equity Commission established by section 2 of the Act.
Council	Refers to the Council of the Namibia University of Science and Technology, established in terms of section 6 of the NUST Act.
Designated groups	Refers to racially disadvantaged persons; women (irrespective of race); persons with disabilities (physical or mental) referred to in section 18(1) of the Affirmative Action Act.

Designated Affirmative Action Official	Refers to a senior person responsible for leading and implementing Affirmative Action at NUST.
Disabilities	Means any persistent physical or mental limitation which restricts such person's preparation for, entry into or participation or advancement in, employment or occupation.
Diversity	Refers to the presence and meaningful inclusion of individuals with different backgrounds, identities, experiences, perspectives, abilities and characteristics that contribute to the richness of the University's academic and professional community. Diversity encompasses, among others, race, sex, gender, disability, age, ethnicity, language, culture, nationality, religion, socio-economic background, educational background, geographic origin and other dimensions that shape individual experiences. Within this Policy, affirmative action measures shall be implemented in accordance with the designated groups prescribed under the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998).
Employee	Means an employee as defined in section 1 of the Labour Act, 2007.
Employer	Means an employer as defined in section 1 of the Labour Act, 2007.
Employment Barrier	Refers to any rule, practice, or condition, other than a legitimate job requirement, which adversely impacts persons from designated groups more than those fromon-designated groups.

Employment decisions	Include decisions on matters concerning employment and occupation relating to: (a) access to vocational guidance, training and placement services; (b) access to employment and to a particular occupation or work, including; (i) any advertisement relating thereto; (ii) recruitment procedures; (iii) selection procedures; and (iv) appointments and the appointment process; (c) the promotion, demotion and transfer of employees; (d) security of tenure of employment; (e) remuneration and other terms and conditions of employment; (f) discipline, suspension or termination of employment or any other decision which adversely affects the employee concerned; and (g) access to any other benefits, facilities or services; and (h) collective termination as contemplated in section 50 of the Labour Act, 2007.
Employers' organisation	Means an employers' organisation as defined in section 1 of the Labour Act, 2007.
Equity	Refers to the fair and just treatment of individuals through policies, practices and decisions that recognise different circumstances, remove barriers to participation and provide appropriate support to achieve equitable employment outcomes. Equity does not imply identical treatment but seeks fairness by addressing systemic disadvantages.
Fair discrimination	Refers to lawful differentiation between individuals or groups that is justified and aimed at achieving equitable outcomes, particularly correcting past disadvantages.
Inclusion	Refers to the deliberate creation of an institutional environment in which all employees are respected, have equitable access to opportunities and resources, can participate fully in decision-making, and are able to contribute and thrive irrespective of their backgrounds or personal characteristics.
Labour Act, 2007	Means the Labour Act, 2007 (Act No.11 of 2007).
Marginalised Communities	Refers to groups considered economically disadvantaged compared to other communities in Namibia, including the San, Ovatue, Ovatjimba, and Ovazemba.
Minister	Means the Minister of Justice and Labour Relations.
Ministry	Means the Ministry of Justice and Labour Relations.

"Persons living with disabilities"	Refers to individuals with physical, mental, or sensory impairments, as declared by a relevant medical practitioner.
Racially disadvantaged persons	Means all persons who belong to a racial or ethnic group which was or is, directly or indirectly, disadvantaged in the labour field as a consequence of social, economic, or educational imbalances arising out of racially discriminatory laws or practices before the Independence of Namibia.
Reasonable Accommodation	Refers to any modification or adjustment to a job or to the working environment that will enable a person from a designated group to have access to or participate in or advance in employment.
Relevant employer	Means an employer identified as a relevant employer under section 20 of the Act.
"Suitably qualified person"	Means a person who has the abilities, formal qualifications or relevant experience for a position of employment.
Trade union	Means an association of employees whose principal purpose is to regulate relations between employees and the employer.
Unfair discrimination	Refers to any distinction, exclusion or preference made on the basis of prohibited grounds such as race, sex, colour, ethnic origin, religion, disability or social status that has the effect of impairing or nullifying equality of opportunity or treatment in employment.

1. PREAMBLE

The Namibia University of Science and Technology (NUST) is dedicated to fostering a diverse and inclusive workforce that reflects the demographics of our society. This Affirmative Action Policy has been designed to promote equal opportunities for all individuals, especially those from designated groups (as prescribed in the AA Act-reference). By implementing this policy, NUST aims to create a fair and equitable work environment that values diversity and encourages the participation of all individuals in our academic and administrative functions.

1.1 Purpose

The purpose of the policy is to promote equal employment opportunities, to ensure that persons in designated groups are equitably represented in all positions and at all levels, and to remove barriers to employment throughout the Namibia University of Science and Technology (NUST).

1.2 Background

This policy arises from historical inequalities and systemic barriers that have disadvantaged designated groups within our society. The Affirmative Action (Employment) Act, Act No. 29 of 1998, mandates the University to implement proactive measures to ensure equitable workforce representation. NUST acknowledges its responsibility to contribute to the redress of these imbalances by actively recruiting a diverse workforce that can offer unique perspectives and skills to our institution.

1.3 Strategic Alignment

Alignment recognises that excellence in teaching, research, innovation and public service is strengthened by diverse perspectives, lived experiences and equitable access to opportunities. Affirmative Action therefore contributes simultaneously to legal compliance, institutional excellence and national development. The policy contributes towards the implementation of the University's Integrated Strategic Business Plan by strengthening Human Capital, Institutional Excellence, Ethical Governance, Student Success, Research, Excellence,

Innovation and Institutional Sustainability.

1.4 Objectives

The objectives of this policy are to enforce:

1.4.1 Compliance with the Affirmative Action (Employment) Act, Act No. 29 of 1998;

1.4.2 Equal opportunities and fair treatment in employment through the elimination of unfair discrimination;

1.4.3 Implement affirmative action measures to address the disadvantages experienced by designated groups in employment, ensuring their equitable representation at all occupational levels.

1.4.4 Ensure that all persons, regardless of race, gender, or disability, have fair access to jobs, promotions, training, and remuneration;

1.4.5 Address conditions of disadvantage experienced by designated groups due to past discriminatory laws and practices;

1.4.6 Identify and remove practices that hinder equal employment opportunities for designated groups;

1.4.7 Encourage a workforce that reflects Namibia's demographic diversity, which contributes to social justice and economic empowerment.

2. SCOPE OF APPLICATION

This policy applies to all NUST employees, as well as external job applicants.

3. POLICY STATEMENT

NUST is committed to promoting equity and inclusion by implementing affirmative action measures that support fair representation of designated groups. The policy aims to remove barriers, redress historical imbalances, and ensure equal access to opportunities in recruitment, development, and advancement, aligned with national legislation and institutional values.

4. LEGAL FRAMEWORK

This policy shall be implemented in conjunction with the following policies and laws:

4.1.1 Affirmative Action (Employment) Act 29 of 1998
4.1.2 Labour Act 11 of 2007
4.1.3 Employers' Guidelines to the Affirmative Action Employment Act, Act No. 29 of 1998
4.1.4 Disability Council Act, 2004, Act No. 26 of 2004

5. PRINCIPLES GUIDING PRACTICES AT NUST

5.1 Commitment to Equity and Social Justice

The University recognises historic and systemic inequalities affecting

access to education and employment. It commits to taking proactive steps to redress past disadvantages and promote equal opportunity for all members of its community.

5.2 Non-Discrimination

The University shall not discriminate based on race, gender, ethnicity, disability, nationality, religion, socio-economic background, age, or any protected characteristic. Affirmative action is used to promote fairness, not to create reverse discrimination.

5.3 Inclusivity

Appointments and promotion decisions shall be based on a combination of merit and equity considerations. Affirmative action interventions are designed to widen access, not to compromise academic or professional standards.

5.4 Representation and Diversity

The University strives to ensure that its workforce reflects the diversity of the Namibian population, particularly groups historically underrepresented in employment.

5.5 Redress of Historical Disadvantage

Affirmative action measures will prioritise individuals from groups that have experienced and continue to experience systemic disadvantages. These measures aim to level the playing field through targeted support, capacity development, and equitable access.

5.6 Transparency and Accountability

All processes related to recruitment, promotions, and resource allocation must be transparent. The University must publish an annual Affirmative Action Report in compliance with the Act reflecting equity and diversity goals.

5.7 Fair Recruitment and Selection

The AA representative must be trained on affirmative action principles, unconscious bias, and equitable decision-making. Recruitment processes must be structured to actively encourage prospective applications from underrepresented groups.

5.8 Learning and Working Environment

Affirmative action extends beyond numerical representation. The University must cultivate a learning and working environment that is respectful, inclusive, and supportive of diversity, including reasonable accommodations for persons with disabilities.

5.9 Capacity Building and Development

The University will invest in developing the skills, qualifications, and leadership potential of historically disadvantaged groups through: training and mentorship programmes, scholarships and bursaries, research support, and leadership development pathways.

5.10 Monitoring, Evaluation, and Continuous Improvement

The University must regularly review its policies, targets, and programmes to ensure effectiveness and alignment with national legislation and best practice. Continuous improvement is central to achieving lasting equity.

5.11 Compliance with National Legal Framework

All affirmative action initiatives must comply with national laws governing employment equity and non-discriminatory practices. The policy aligns with relevant acts, regulations, and national development goals.

5.12 Shared Responsibility

Creating an equitable and diverse institution is a collective responsibility. Leadership, staff, unions, and governance structures must collaborate to uphold the principles of affirmative action and promote a culture of inclusion.

6. POLICY CONTEXT

The Affirmative Action Policy at NUST is anchored within a comprehensive framework of national, regional, and international obligations that promote equality, diversity, and inclusion. Its formulation is informed and guided by several critical considerations, including:

6.1 National Legislation

The Affirmative Action (Employment) Act, Act No. 29 of 1998, serves as the cornerstone of affirmative action initiatives in Namibia, mandating employers to implement measures for the equitable representation of designated groups in the workforce.

6.2 Institutional Commitment

NUST is committed to fostering an inclusive environment that values diversity and promotes equal opportunities, particularly for designated groups, through its strategic objectives.

6.3 Alignment with International Standards

This policy aligns with international human rights standards, including the Universal Declaration of Human Rights and the International Labour Organisation's conventions on discrimination and equality in employment.

6.4 Socio-Economic Context

NUST recognises the socio-economic challenges faced by marginalised communities, including the San, Ovatue, Ovatjimba, and Ovazemba, and strives to recruit individuals from these communities to enhance their representation.

6.5 Institutional Policies and Frameworks

This policy operates alongside other relevant institutional policies, including the NUST Recruitment and Selection Policy.

6.6 Stakeholder Engagement

The development and implementation of the Affirmative Action Policy involves consultation with various stakeholders, including employees, management, and external partners.

6.7 Continuous Improvement

NUST is committed to regularly reviewing and updating this policy to ensure its continued relevance, reflecting changes in the legal landscape, societal needs, and institutional priorities.

7. PREFERENTIAL TREATMENT OF THE DESIGNATED GROUP

In filling positions of employment and allocation of staff development loans, preferential treatment shall be given to suitably qualified persons of designated groups.

7.1.1. Where two or more suitably qualified candidates from designated groups qualify for a position of employment, the University shall give priority:

7.1.2. to a candidate who is a Namibian citizen; or

7.1.3. if all such candidates are Namibian citizens, to the candidate who belongs to more than one designated group;

7.1.4. to a candidate who is from an underrepresented group.

7.1.5. NUST shall, with due regard to the purposes of this policy, train a Namibian citizen as the understudy of every non-Namibian citizen employed by the University.

7.2.1 The University may make an exemption from the provisions for appointing an understudy, and the Vice-Chancellor shall apply to the Minister of Justice and Labour Relations for such exemption –

7.2.2. Upon proof that the University's trade or profession of the non-Namibian citizen contemplated in that subsection is of such a specialised nature that it is not reasonably possible to train in the workplace a Namibian citizen as the understudy of such non-Namibian citizen; or

7.2.3 Where the University is, for any other reason, satisfied that it is

impractical to identify or train in the workplace a Namibian citizen as the understudy of a non-Namibian citizen.

8. AFFIRMATIVE ACTION PLANS

8.1. Affirmative Action Committee Members in consultation with the Director: Human Capital, shall prepare and implement a three-year affirmative action plan that shall specify the affirmative action measures to be instituted in order to:

8.1.2 eliminate employment barriers against persons in designated groups
8.1.3 make available positions of employment to such persons, if it is reasonably possible
8.1.4 ensure that such persons are equitably represented in the various positions of employment
8.1.5 set out the affirmative action objectives which they expect to achieve, by setting out, where appropriate, numerical goals for increasing the representation of persons in designated groups in each job category and grade or equivalent thereof in his or her or its employment;
8.1.6 establish a timetable for the achievement of the objectives referred to in paragraph set out an internal procedure to monitor and evaluate the affirmative action plan, and the Vice-
Chancellor will have overall responsibility for the implementation of such an action plan.
8.1.7 The Office of the Vice-Chancellor shall, in consultation with the Head of Department/Faculty, prepare an affirmative action plan for every department or faculty of the University.

8.2 .CONSULTATION AND ASSISTANCE OF EMPLOYEES

8.2.1 For the purposes of developing and implementing an affirmative action plan, the Director: Human Capital shall carry out consultations with the AA Committee, where there is a trade union representing the interests of such employees, also with such trade union, concerning the preparation, implementation and revision of the affirmative action plan.

8.2.1.1 the assistance of such representatives or trade union in communicating matters relating to the affirmative action plan to such employer's employees; and

8.2.1.2 the participation of such representatives or trade union in monitoring the affirmative action plan.

- Representatives consulted shall reflect the interests of employees from across all occupational categories and levels of NUST, employees from designated groups and employees who are not from designated groups.

8.3 ANALYSIS, REVIEW AND STATISTICAL REPORT

Workforce planning and affirmative action decisions shall be informed by reliable institutional data, workforce analytics and evidence-based

decision-making.

8.3.1 For the purpose of developing and implementing an affirmative action plan, the Director: Human Capital shall:

8.3.1.1. analyse the workforce to determine whether persons in designated groups are equitably represented.

8.3.1.1 review and evaluate the employment practices

8.3.1.2 prepare a statistical report, revised yearly, to correctly reflect the information required in clause 10.4.

8.3.2 The statistical report shall set out with regard to the NUST's workforce:

8.3.2.1 the job categories and grades or equivalents thereof of employment offered, and the representation of persons in designated groups in each such category and grade or equivalents thereof;

8.3.2.2 the number of employees hired, promoted and whose services have been terminated in the preceding twelve months, and the representation of persons in designated groups among those employees;

8.3.2.3 the scales of salary, the number of persons in designated groups in each such scale and the actual remuneration and other benefits of employees; and

8.3.2.4 such other information as may be required by the Commission.

8.3.3 The Affirmative Action Committee (AAC) shall conduct a statistical analysis of the workforce, reflecting the various parameters of the designated groups compared to non-designated groups.

8.3.4 NUST shall prepare, implement, and submit to the Employment Equity Commission a three-year Affirmative Action plan.

8.4 RECORDS

The Director Human Capital shall keep a record of:

8.4.2 the affirmative action plan prepared.

8.4.1 the minutes of the consultations carried out.

8.4.2 the analysis, review and statistical report.

8.5 CONTENTS OF AFFIRMATIVE ACTION REPORTS

8.5.1 The affirmative action report shall contain:

8.5.1.1 the statistical report.

8.5.1.2 the affirmative action plan.

8.5.1.3 a summary of the affirmative action measures, including the numerical goals for the employment of persons in designated groups in the various job categories and grades or equivalents thereof in the employment offered by NUST, and any other objectives, if any, which the University intends to implement during the ensuing reporting period;

8.5.1.4 the names of every non-Namibian citizen employed by each department/faculty and Namibian citizen trained as required by clause 7.3

8.5.1.5 the records and documents used in the preparation of the report in question;

and such other documents or information as the Council may require

.

8.5.2 A further affirmative action report shall contain:

8.5.2.1 statistical report, revised where necessary; an evaluation of the affirmative action plan implemented during the immediately preceding reporting period

8.5.2.2 where necessary, a statement of the specific affirmative action measures which the University proposes to implement to remedy any deficiency identified for the reporting period;

8.5.2.3 a summary of the affirmative action measures, including the numerical goals for the employment of persons in designated groups in the various job categories and grades or equivalents thereof in the employment offered by NUST, and other objectives, if any, which the University intends to implement during the ensuing reporting period;

8.5.2.4 the names of every non-Namibian citizen employed in each Department/Faculty and Namibian citizen trained as required by clause 7.3;

8.5.2.5 the records and documents used in the preparation of the report in question and such other documents or information as the Council may require.

8.5.2.6 Where an exemption to train an understudy has been granted, a copy of such exemption shall be submitted with an affirmative action report.

8.6 SUBMISSION OF AFFIRMATIVE ACTION REPORTS

8.6.1 The Director: Human Capital shall submit to the Vice-Chancellor a further affirmative action report not later than 12 (twelve) months from the date of the submission of the first affirmative action report, once every 12 (twelve) months from the date of submission of the immediately preceding affirmative action report.

8.6.2 Once approved by the Vice-Chancellor, the Director, Human Capital, shall submit the report to the Office of the Employment Equity Commission.

8.6.3 Any shortcomings identified by the Employment Equity Commission shall be rectified within a reasonable timeframe, in accordance with the requirements and directives issued by the Commission.

8.7 EMPLOYEES' INSPECTION OF AFFIRMATIVE ACTION REPORT

8.7.1 The affirmative action report shall be open for employee inspection at the office of the Director, Human Capital Department.

8.8 AFFIRMATIVE ACTION COMPLIANCE CERTIFICATE

8.8.1 The Director: Human Capital shall ensure that the Affirmative Action Compliance Certificate is made available to all heads of departments and

Faculties for their records.

9. STRUCTURES GOVERNING THE POLICY

9.1. Council

9.2. Vice-Chancellor

9.3. Executive Committee Members

9.4. Assistant DVCs /Deans/Directors

9.5. AA Consultative Committee

9.6. Employees

10. IMPLEMENTATION

The NUST Affirmative Action Procedure shall guide the implementation of the NUST Affirmative Action Policy.

10.1 Roles And Responsibilities.

10.1.1. Council

The Council is the governing body responsible for approving and overseeing the implementation of the policy.

10.1.2 Vice-Chancellor

The Vice-Chancellor is responsible for ensuring that NUST remains compliant with the legislation and for appointing officials to oversee the preparation, monitoring, implementation, and submission of the AA Plan and Report.

10.1.3. Executive Committee Members

EXCO are responsible for ensuring the implementation of the Affirmative Action Policy in the functional areas they oversee The DVCs have the responsibility of ensuring that the Affirmative Action Policy is implemented to achieve and support the strategic goals of the university.

10.1.4. Assistant DVCs/Deans/Directors

The Assistant DVCs/ Deans/ Directors shall be accountable to the Deputy Vice-Chancellors for the effective implementation of the Affirmative Action Policy in their respective Faculties, Departments, Centres, Institutes and Units.

10.1.5. Employees

Employees play an essential role in ensuring the successful implementation, monitoring, and sustainability of an organisation's Affirmative Action (AA) Policy. Their involvement not only strengthens compliance but also helps build an equitable and inclusive workplace.

10.1.6 Senior Employee

10.1.6.1. Ensure substantive and procedural compliance with the affirmative action legislation and timeous submission of affirmative action reports.
10.1.6.2. Coordinate employment equity activities.
10.1.6.3. Ensure that the AA committee meets as regularly as possible.
10.1.6.4. Oversee all affirmative action committee processes.
10.1.6.5. Chair meetings of the affirmative action committee.
10.1.6.6. Set agendas for the affirmative action committee meetings.

10.1.7 Management

10.1.7.1. Develop the organisation's overall employment equity strategy.
10.1.7.2. Set the policy framework for the employment equity process.
10.1.7.3. Consult and manage all role players in the process.
10.1.7.4. Monitor and evaluate the implementation of the strategy.
10.1.7.5. Ensure buy-in from all stakeholders and awareness of all affirmative action initiatives within the organisation.
10.1.7.6. Ensure employment equity objectives are achieved and guidelines followed.
10.1.7.7. Incorporate employment equity strategies in overall organisational development.
10.1.7.8. Ensure that adequate budgetary provision is made for employment equity activities.

10.1.8. AA Consultative Committee

10.1.8.1. convene with constituencies to disseminate information and for feedback/suggestions.
10.1.8.2. evaluate and monitor progress through perusal of documentation, statistics and follow-ups.
10.1.8.3. submit constructive proposals for consideration at the meeting.
10.1.8.4. identify human resources development needs and training initiatives.
10.1.8.5. attend meetings and carry out delegated tasks within agreed time periods.
10.1.8.6. respect confidentiality and sensitivity of certain information.
10.1.8.7. assist with the human resources audit.
10.1.8.8. assist with the compilation of AA reports.
10.1.8.9. evaluate and comment on proposed affirmative action strategies, initiatives and the affirmative action plan with due regard to interest groups being represented.
10.1.8.10. challenge objectives and numerical goals, if need be develop and implement a proper AA communication model within the institution.
10.1.8.11. raise concerns/grievances in accordance with AA plan and dispute resolution mechanism.

10.2 Support and Advice

10.3. Communication

10.3.1 The Human Capital Department, via the Corporate Engagement and Internationalisation Department, shall ensure that all employees understand their role in implementing Affirmative Action.

10.3.2 The progress of the Affirmative Action plan shall be communicated periodically, with an annual consolidated progress report submitted to EXCO.

11. COMMENTS

12. REVIEW

This policy will be reviewed after three (5) years or when deemed necessary. Any amendments that affect existing conditions of service shall be made upon prior consultation with the employees

NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

Affirmative Action Policy

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