

# Newsletter

January 2023



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# Legislative updates

On 29 December 2022 amendments to various Acts were announced in the Government Gazette. We would like to draw your attention to a few of these updates.

Administration of Estates Amendment Act, 2022 (Act no. 9 of 2022)

Government Gazette no. 7988 of 29 December 2022

Section 87A of the Administration of Estates Act, 1965 (Act no. 66 of 1965) was repealed.

Amendment of the provision that requires the payment of certain moneys in respect of minors and persons under curatorship into the guardian's fund; and provides for incidental matters.



# Stamp Duties Amendment Act, 2022 (Act no. 10 of 2022) Government Gazette no. 7989 of 29 December 2022

# Amendment of Section 23 of Act no. 15 of 1993

Subsection (1) of Section 23 is amended by -

(a) Inserting the following definition after the definition of "arbitrage transaction":

"assets", for the purposes of securitisation transactions assets, means those assets with generally predictable revenue streams similar features and can be transformed into a marketable debt security and these assets may be in the form of mortgage loans, auto loans, credit cards, trade receivable and other loans;"

(b) The insertion of the following definitions after the definition of "nominee company":

"securitisation" means the process by which assets originally made by a banking institution or non-bank financial institution are pooled and sold to a special purpose entity that issues marketable or tradable securities against the pooled assets;

"special purpose entity" means a company, trust or insolvency remote entity, incorporated, created or used solely for the purpose of implementation and operation of traditional or synthetic securitisation schemes.".



# Stamp Duties Amendment Act, 2022 (Act no. 10 of 2022) Government Gazette no. 7989 of 29 December 2022

Amendment of Schedule 1 of Act no. 15 of 1993 as amended by section 1 of Act no. 12 of 2011 and section 1 of Act no. 7 of 2013

2. Item 5 of Schedule 1 to the principal Act is amended by the insertion after paragraph 5(2)(b) of the following subparagraph:

5	Bond	
	(c) Any bond mentioned in (1) which was previously duly stamped for the same debt or obligations and which will be transferred and bundled into a special purpose entity for securitisation or for Bank of Namibia regulatory purposes.	<u>N\$100</u>



# **AMENDMENT: (underlined and bold)**

Section 15 of the Income Tax Act, 1981 (act 24 of 1981) (hereafter referred to as the "principal Act") is amended by the substitution for introductory sentence of subsection (9) of the following sentence:

## **TOPIC: Deemed Source of Income**

"(9) Any amount referred to in paragraphs (o) **and (q)** of the definition of "gross income" is deemed to have been received or accrued from a source within Namibia irrespective of -"

# COMMENT

The inclusion of subparagraph (q) into the deemed source section results in the taxation of income received on disposal of a <u>petroleum licence or the right to mine petroleum in Namibia</u> irrespective of:

- whether the transaction was concluded in or outside Namibia;
- the place where payment was made; or
- the place where the funds from which payment was made are held.

Paragraph (o), relating to **mineral rights and mineral mining**, was included as a subsection of "gross income" definition and the source of the income was deemed to be from a source in Namibia in terms of the inclusion of paragraph 9 of section 15 with the amendment Act, Act 15 in 2011. Subparagraph (q) and the inclusion thereof in paragraph (9) of section 15 effectively means that the **source of the sale of a petroleum licence or the right to mine petroleum in Namibia** will be **deemed to be Namibia**.

# **AMENDMENT: (underlined and bold)**

Amendment of section 17 of the principal Act is amended by

- a. the deletion of subparagraph (i)(w); and
- b. the substitution for subsection (2) of the following subsection:

# **TOPIC:** General deductions allowed in determination of taxable income

(2) The aggregate of the amounts that may be deducted in terms of paragraphs (n), (q), (qA) and (w) of subsection (1) shall not be, as from the year of assessment commencing on or after [2011] 2022 in any year of assessment exceed the sum of [N\$40 000] N\$ 150 000

# COMMENT

The substitution of S 2 increases the allowable deductions of contributions made to Namibian registered pension, provident and retirement annuity funds, and education policies from the current N\$ 40 000 to N\$ 150 000.

The deletion of S (1)(w)(i) means that the keyman policy contributions made by an employer, in future, need not be included in the taxable income of the employee for it to be deductible by the employer. The amount deductible in respect of keyman policies is also increased to N\$ 150 000.

The amendment is effective from 1 March 2022 therefore individuals can still utilize the increased deduction in the year of assessment to end 28 February 2023.

# **AMENDMENT: (underlined and bold)**

Amendment of section 56 of the principal Act is amended by the insertion after subsection (2) of the following subsections:

<u>TOPIC</u>: Taxpayer responsible to furnish a return of income and computation of tax payable, and to pay the tax so payable, and the manner of furnishing returns and interim returns.

(2A) Notwithstanding subsections (1) and (2), a person liable to furnish a return of income pursuant to paragraph (a) of subsection (1) may furnish such return in electronic format and in that case subparagraph (i) of paragraph (a) of subsection (1) shall not apply to that person"

# **COMMENT**

The insertion allows for filing of tax returns electronically i.e., via ITAS (Integrated Tax Administration System).



# **AMENDMENT: (underlined and bold)**

Amendment of section 67 of the principal Act is amended by the substitution for subsection (2) of the following subsections:

# **TOPIC: Examination of returns and assessments**

"2) Upon examination of a taxpayer's return and computation of liability for tax the Minister shall issue to the taxpayer a notice of assessment, **in writing or electronic format**, stating-"

# **COMMENT**

The amendment allows for issuing of assessments electronically i.e., via ITAS (Integrated Tax Administration System) or in writing.



# **AMENDMENT: (underlined and bold)**

Amendment of section 81 of the principal Act is amended by the substitution for subsection (4) of the following subsection:

# **TOPIC**: Accounts and recovery proceedings in respect of certain taxes

- "(4) Where, in addition to any amount of tax which is due and payable by any person under this Act, any amount of interest or penalty is payable, any payment made by that person in respect of such tax, interest or penalty which is less than the total amount due shall be dealt with as made
  - a. in respect of such tax;
  - b. to the extent that such payment exceeds the amount of such tax, in respect of such **[penalty] interest**; and
  - c. to the extent that such payment exceeds the sum of such tax and **[penalty] interest**, in respect of such **[interest] penalty."**

# **COMMENT**

Based on the 2015 amendment the application of payment was tax, penalty, and interest. The 2022 amendment makes provision for the payment to be applied to payment of tax, then interest and lastly penalties.

This amendment will lessen the administrative burden of re-allocation of payments where taxpayers submit a request for waiver of penalties.

# **AMENDMENT: (underlined and bold)**

Amendment of section 95A of the principal Act is amended by the insertion after subsection (3) of the following subsection:

# <u>TOPIC</u>: Determination of taxable income of certain persons in respect of international transactions

- "(4) Notwithstanding the provisions of this Act, where a resident company in which any non-resident company or person has an interest of not less than 25 percent of the dividends, profits or capital of the recipient of the financial assistance contemplated in paragraph (c) of the definition of 'services' under subsection (1), either alone or together with an associate, and the aggregate of all such financial assistance exceeds the ration of three-to-one in relation to the fixed capital of the resident company at any time during a year of assessment, a deduction will be disallowed for
  - a. any interest paid to the non-resident investor in respect of the financial assistance granted; and
  - b. any realised currency exchange loss incurred by the resident company during that period on that part of the financial assistance which exceeds the three-to-one ratio.
- (5) The resident company referred to in subsection (4) may approach the Minister for permission to exceed the ratio stated in subsection (4), and the Minister must consider the circumstances and risks associated with the business of the taxpayer that warrant such a request being acceded to by the Minister."

# COMMENT

This amendment is applicable to interest-bearing inter-company loans and limits to interest deductible by the Namibian subsidiary to the non-resident holding company by quantifying the concept of "excessive' referred in subsection 3(a).

The amendment now determines that if the debt:equity ratio is above 3:1 then the interest paid by a subsidiary to a holding entity whose shareholding or profit share is at least 25% will be limited to a 3:1 ratio and the interest paid on that part of the loan above the 3:1 ratio will not be tax deductible.

This amendment is a further attempt to prevent base erosion and profits shifting (BEPS) and thin capitalisation.

Provision is made for mitigating circumstances but there is no indication what the Minister will take into account when considering the application by a taxpayer for a higher ratio.

# Value-Added Tax Amendment Act, 2022 (Act no. 14 of 2022) Government Gazette no. 7993 of 29 December 2022

- To amend the Value-Added Tax Act, 2002, so as to substitute the words "prescribe" or "prescribed";
- to provide for a definition for assessment;
- to enable a person carrying on a taxable activity but is not yet making taxable supplies to be registered;
- to provide that the conducting of a taxable activity or the importation of goods by a registered person must be connected with the making of taxable supplies;
- to enable the Commissioner to determine the manner in which a tax return or notice of assessment may be furnished or served;
- to provide for the allocation of VAT payments;
- to zero rate the supply of sanitary pads;
- and to provide for incidental matters.



# Designated employers' registration at NIEIS

The ministry of Labour, Industrial Relations and Employment Creation, recently issued a notice in a Media release of 18 January 2023. This notice was published in the Government Gazette of 30 September 2022.

What are the implications of this notice for employers?

- Any employer who employs 10 employees and above is now regarded as a designated employer (DE).
- As a DE an employer is required to comply with the provisions of part 3 of the
   *Employment Services Act, 2011 (Act no. 8 of 2011)*, with effect from 30 September 2023.
- In terms of this Act DE's must register with the Ministry and report any vacancies within its establishment to this Ministry.
- This enables the Ministry to link the DE's and to register jobseekers through the Namibia Integrated Employment Information System (NIEIS).
- DE's must register on the NIEIS website.
- DE's are also required to submit profiles of establishments on an annual basis.
- The NIEIS collect, store and update information relating to the jobseekers,
   vacancies in the labour market, specialized skills and qualifications by Namibian
   Citizens and permanent residents and employers in Namibia.
- It is unlawful for a DE to fill a vacancy without considering in good faith any suitably qualified job-seeker referred to him/her/it by the Ministry.
- DE's who contravenes or fails to comply with this requirement commits an offense and can be convicted and imposed a fine, not exceeding N\$20,000, or imprisonment not exceeding two years or both.

The NIEIS provided us with a copy of the employer registration form and step-by-step registration instructions in the NIEIS Employer Manual. These are attached at the end of this Newsletter.

# Outsourcing your Accounting tasks

Business owners have many responsibilities to juggle, and managing the financial records is just one of them. While accurate financial records are crucial for the success of a business, they can be time-consuming and complex to manage. Let us look into the many benefits of outsourcing your accounting tasks to an accounting firm.

#### **Professional service**

When you outsource your accounting tasks to an accounting firm, you can be confident that your financial records are being handled by professionals who are trained and experienced in all aspects of accounting. This can give you peace of mind and help ensure that your financial records are accurate and up-to-date.

# **Cost savings**

Hiring an in-house accountant can be costly, especially for small businesses. By outsourcing your accounting tasks to a firm, you can save money on salary and employment benefits, as well as the cost of training and professional development.

## **Continued Service Delivery**

By outsourcing your accounting tasks, you will have year-round access to service delivery and will not have to worry about absenteeism.

## **Timesaving**

Managing accounting tasks can be time-consuming and complex, especially for small business owners who have to juggle multiple responsibilities. By outsourcing your accounting to a professional firm, you can free up your time to focus on managing and growing your business rather than spending your time on administrative tasks.

## **Compliance with Tax Laws**

Tax laws can be complex and constantly changing, and non-compliance can result in penalties and fines. An accounting firm can help you stay compliant with all relevant tax laws and regulations, which can save you money and reduce the risk of legal issues.

#### **Expertise**

Accounting firms are staffed by certified public accountants (CPAs) who have the necessary education and experience to handle a variety of accounting tasks. By outsourcing your accounting to a firm, you can tap into their expertise and receive high-quality service.

## **Resources and Technology**

Accounting firms have access to a range of resources and technologies that can help them complete your accounting tasks efficiently and accurately.

## **Scalability**

As your business grows, your accounting needs may change. An accounting firm can provide flexible solutions that can adapt to your business's changing needs. This can help you save money and resources in the long run.

# **An Accountant is your Advisor**

A good accountant will always provide advice on how to make your accounting and internal controls more efficient.

# **PAPAS** Payroll software

Are you struggling to maintain your staff payroll system?

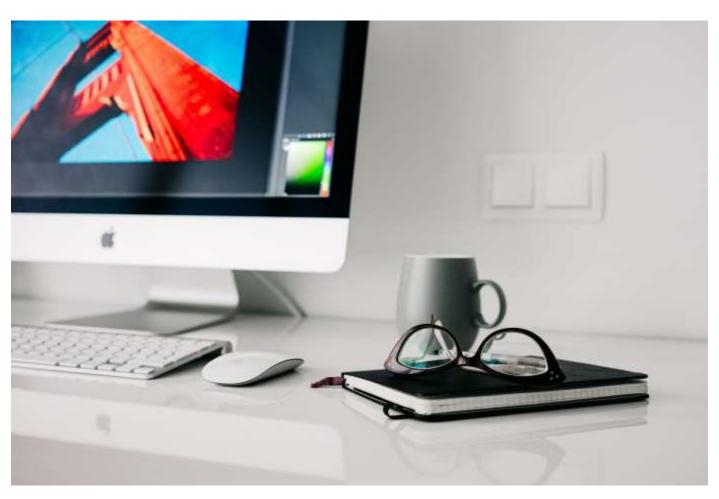
At PKF-FCS we have been using the PAPAS Payroll software since 2016.

The program is one of the best in the market due to: –

- the ease of operation,
- ITAS integration,
- PAYE management, leave administration and.
- many other functionalities.

What's more is that SME clients only pay a once-off license fee - no annually recurring license fees.

PKF-FCS clients qualify for a special discount up to the end of March 2023. See attached flyer for more details.





# NAMIBIAN PAYROLL SOFTWARE NO RECURRING LICENSE FEES

- ✓ Once off licensing fee never pay for annoying subscription or annual renewal fees for up to 30 active employees. Fees apply for additional employees
- √ 100+ employees unlimited payroll companies
- ✓ Easy, intuitive and seamless processing of your payroll
- ✓ Create additional codes for Earnings, Deductions, Company Contributions, Fringe Benefits and more as required. Each code has a tax calculation functionality which can be set as prescribed
- ✓ Payroll taxes and annual earnings certificates can be created from the system. Payroll taxes can be exported directly into iTAS
- ✓ Allocate employees to branches, departments and / or Cost Centers
- ✓ Free flow Job Grading system can be set up
- ✓ Setup standard hours of work for employees, individually adjustable
- ✓ Use Salary scales, Payroll budgets and a HR section for various documents
- ✓ Keep track of auxiliary information such as next of kin, drivers license expiry dates, personal information and memberships of medical aid, pension fund and other statutory bodies



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# NAMIBIAN PAYROLL SOFTWARE NO RECURRING LICENSE FEES

- ✓ Set remuneration to be paid either in cash or per EFT, with EFT batches able to be submitted to / imported into most banking systems
- ✓ Effortless setup of employees
- ✓ Create and define your own leave types
- ✓ Set up public holidays as recurring or not, and as paid holidays or not.
- ✓ Print pay slips with or without leave detail, plain or in sealed envelopes
- ✓ New / Terminated employee remuneration is managed via a wizard for partial period calculations
- Extensive reporting package on earnings, deductions, net pay and statutory contributions. Included are various leave reports
- ✓ System to manage staff loans and deductions from remuneration
- ✓ Many more useful features, tools and wizards to assist you in finalizing your monthly payroll quickly and accurately



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# GOVERNMENT GAZETTE

# OF THE

# REPUBLIC OF NAMIBIA

N\$	WINDHOEK	No.
	CONTENTS	
	GOVERNMENT NOTICE	Page
No.	Submission of Establishment Profile by Designated Employers	1
	Government Notice	
MIN	NISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLO	DYMENTCREATIO
No.		2019
	SUBMISSION OF ESTABLISHMENT PROFILE BY DESIGNATED EM	IPLOYERS (DE)
	erms of Section 17 (1) of the Employment Service Act, 2011 (Act No. 8 of 20 regulations regarding employment services, I determine that-	11) and Regulation 8 of
e	every Designated Employer must, not later than 30 April of each year, substablishment as specified in the Schedule, for a period covering 12 months from the Executive Director: Ministry of Labour, Industrial Relations and Employage 19005, Khomasdal, Windhoek.	om 1 April to 31 March,
	b-Mathew Shinguadja ECUTIVE DIRECTOR Windhoek, date	

# **SCHEDULE**

# DESIGNATED EMPLOYER'S ESTABLISHMENT PROFILE SUBMISSION FORM

# A. ESTABLISHMENT PARTICULARS

4. Name of establishment:		Nature of Busines	Nature of Business: Mark with an 'X' in the appropriate space.			
		Service	Fraining			
5. Industry:		6. Legal entity ty	pe:			
7. VAT Number:		8. Registration N	umher:			
7. VATIVUITIBET.		o. Registration N	uniber.			
9. Organization type:		10. Country: (Head	d office)			
11. Company website:		-				
42.5 14.11	42.5	1.4.1.1	14.0			
12.Residential Address:	13.Posta	l Address:	14. Contact details			
			Tel.:			
			Fax:			
			Email(s):			
B. EMPLOYMENT DETAILS						
(i) Total number of positions in the estal	olishment:					
(i	i) Number of	positions per occupation: N	lamibian employees			
Identity Number/Birth certificate Sex Age		Occupation	Salary scale			

(iii) Number of positions per occupation: Non-Namibian employees						
Identity/Passport Number	Sex	Age	Occupation	Work permit		Salary scale
				Issue Date	Expiry Date	

(iv) Apprenticeship offered						
Identity Number/Birth certificate	Sex	Age	Occupation	Salary scale		

(v) Job attachment/Student internship								
Name of Intern	Sex Age		Qualification	Position	Allowance (N\$)			
		-						

				vi) Vacancie	es				
Vacancy name		Number	Date of opening		Reason for not filling (please tick appropriate column)  In process No suitable Financial Other				
		of positions				No suitable candidate	Financial	Other	
				) New posit	ions				
Name of positions	Number of		e of employ			Position filled no		<u> </u>	
	positions	Temp	orary	None-tem	porary	Yes	No		
		(vi	ii) Skills dev	elopment c	offered by emp	oloyer			
				Number					
Loans									
Bursaries									
Scholarships									
C. DECLARATION	I								
I						e) do solemnly de	clare that the	information and	
particulars given in the Signed at			_		rect.				

Telephone/Cell number :	code)		
Email address:	•		
CICALATURE			
SIGNATURE		DATE	
Note:			
It is an offence for a Designated Emplo	oyer to-		
(a) fail to comply with Section 17 (1) of	of the Employment Service Act, Act No. 8	of 2011;	
(b) intentionally make a false entry in	a record or submission made in terms of	f this section.	
Any Designated Employer found guilt two years or to both such fine and in		tion is liable to a fine not exceedi	ng N\$20 000, or to imprisonment not exceedin
	FOR OF	FICIAL USE	
Particulars in A and B, certified correct.			
Full names	Signature	Date	



# 1 Introduction

This document aims to provide user guidelines to NIEIS system, how the employers will utilize the system to advertise opportunities and manage their manpower.

# 1.2 Objective

The purpose of this document is to provide employers and jobseekers the capability of how to make use of the NIEIS services. This document is also aimed at providing users with an understanding on different roles (responsibilities) and functions that they will perform on the system.

# **Key Concepts in NIEIS**

# My Account

This option has all the information about the organization.

## Account Settings

This option allows editing the information about the organization.

## Vacancy Management

This option is where all the vacancies are managed.

## Employer Profile

This option allows the employer to check their profile and edit.

#### Employment Profile

This option allows to employer to post unlimited number of employment profile listings.

## Vocational Counseling for Employer

This option allows to book or request a vocational counseling from the government.

#### Services Catalog

This option enables the employer to subscribe to different services provided by NIEIS.

## Subscribed Services

This option shows different services subscribed from NIEIS Services Catalog option.

# Application Tracking

This option allows seeing, all the positions posted and jobseekers application, can also help to filter in case of many applications or positions posted.

#### Saved Resume

This option helps to save a jobseeker resume and check later or another day.

#### Resume Alerts



This option is a sort of notification that you can set to alert you whenever there is or are jobseeker meeting the requirement, or just to be alerted if there is a specific you requirement you set.

#### Saved Searches

This option helps to save a filter search for a later use.

## Screening Questionnaires

This option allows setting a preselection by providing a series of questions about the position advertised.

#### Sub Accounts

Is the HR account created for a specific role (Add new listings; Manage listings and applications of other sub users; View and update subscription; Manage Questionnaires), the manager have to delegate one or more of this responsibilities.

#### Notifications

This option allows the user to be notified according to their needs when it comes to jobseekers and employers. For example to be notified if there is a jobseeker who meets the organization needs.

## Reports

Generate four different types of reports to keep track of the organization journey ups and downs.

## Private Messages

Allowed the communication between the employer and the jobseeker about the approval of the candidature of a jobseeker, reject, reschedule interview date, etc.

## Services

Licensed employment agency uses this service to submit their referred jobseekers to the Bureau and allow employment agency to apply and renew their license.

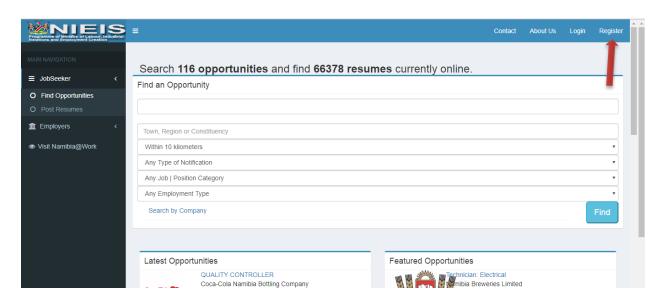
## Visit Namibia@Work

The link to take you to the website, where you can see the positions you have advertise and of others.

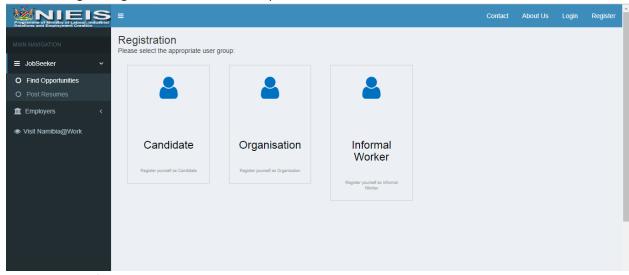


#### **HOW TO REGISTER**

- Type the link on a browser: <a href="http://nieis.namibiaatwork.gov.na/">http://nieis.namibiaatwork.gov.na/</a>
- Click on Register on top right corner
- Fill in the required information



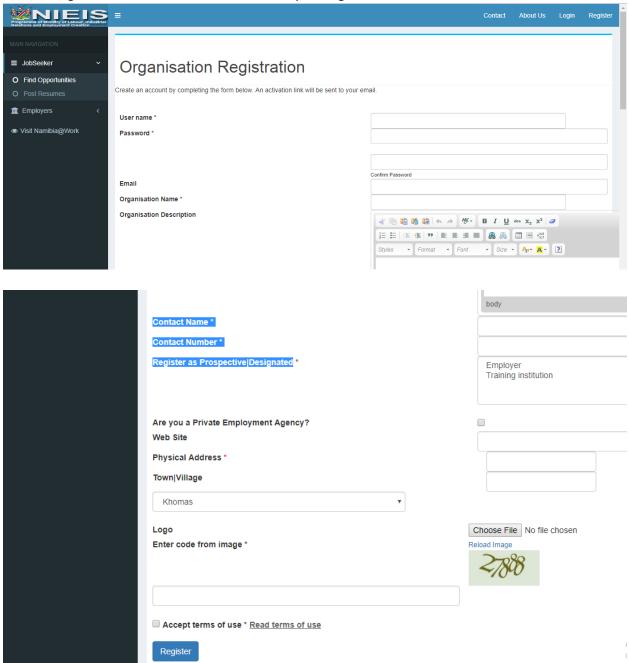
# After clicking on Register, this window will open



Make a chose if you are a Candidate or Organization



Click on Organization and fill in the details about your organization.



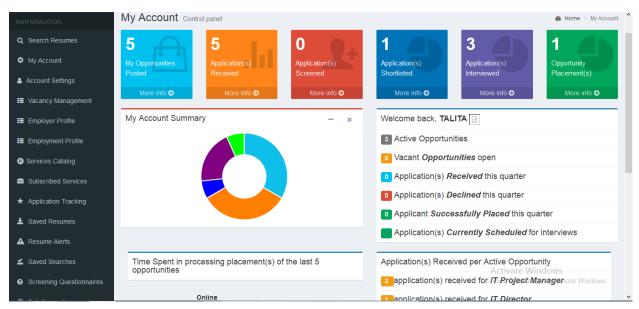
Then accept terms of use and click on Register.



## After registration then login



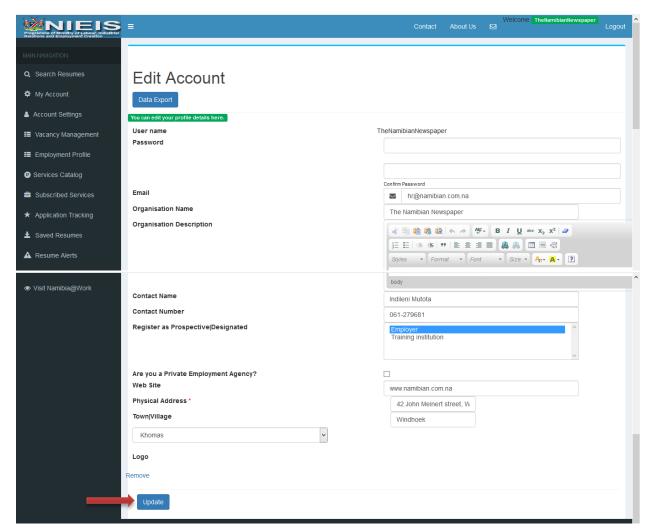
Logging in will take you to this window, where you can now advertised, approved, declined and manage your account in the NIEIS system.



On the left side of the dashboard you have all the options you have under NIEIS and allow you to do your task

Account settings help to update information about your organization profile



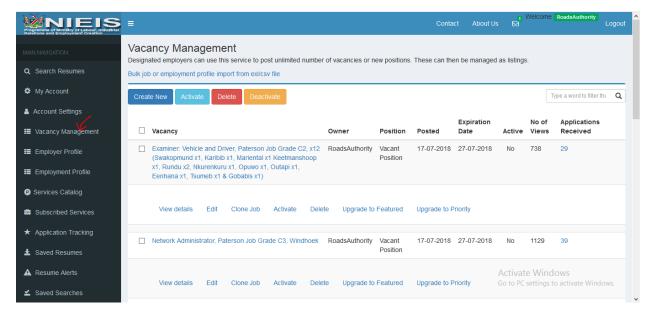


# Click on Vacancy Management

- You can Create new Vacancies
- Activate the vacancy
- Deactivate
- And delete a vacancy

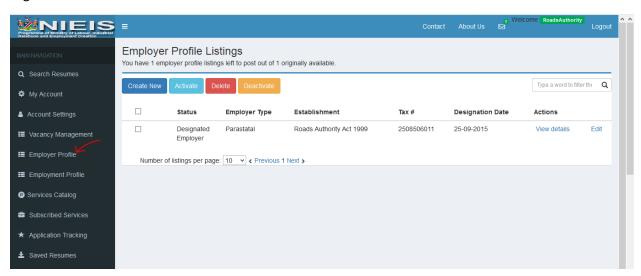
But first you need to select the vacancy in case of activating, deactivating or deleting





## **Employer profile**

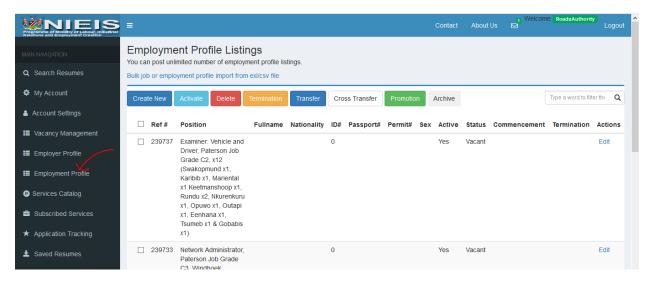
Gives the basics information about the organization and you can also edit and view information of the organization



## **Employment profile**

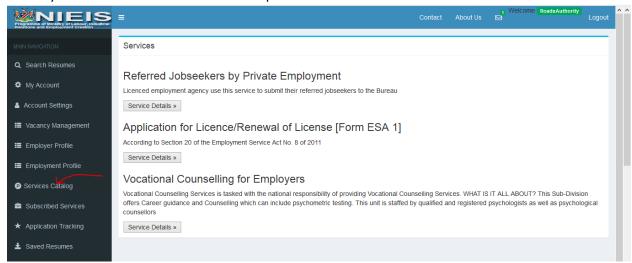
This where you see all the posted positions, can create, activate, delete, terminate, cross transfer, promote and it is archived.





# **Services Catalogue**

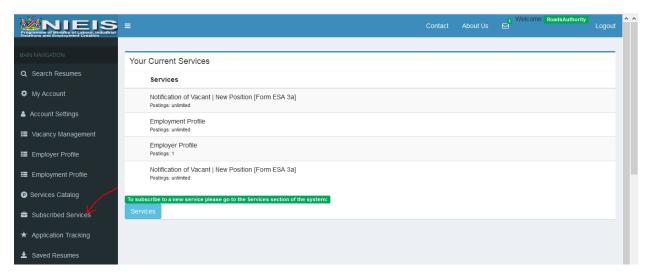
Allows you to subscribe to three different options.



#### **Subscribed Services**

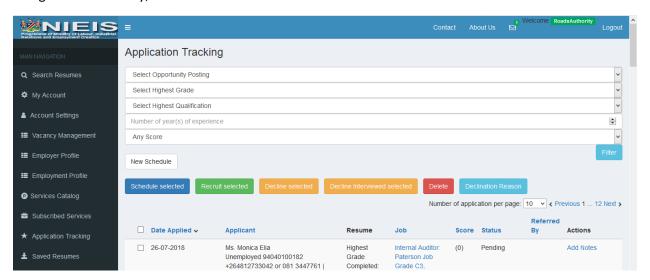
Shows the services subscribed by the organization.





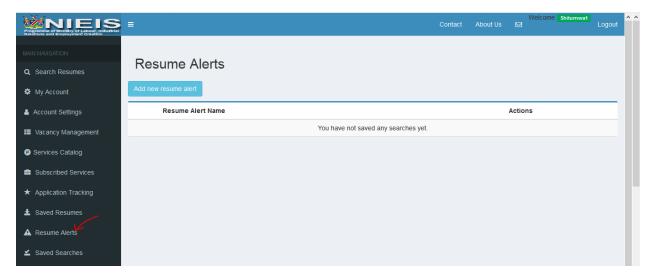
# **Application tracking**

Allows the employer to see all the candidates and can schedule for the interview, recruit, delete, decline and give a reason why, the candidate was not selected.

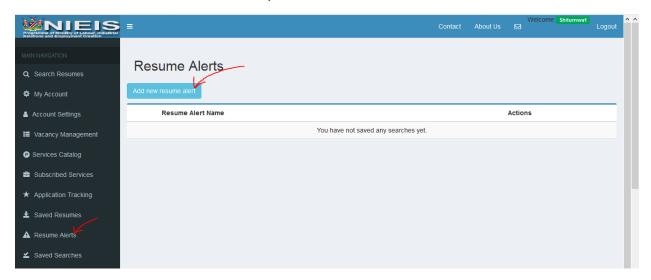


**Resume Alerts** 

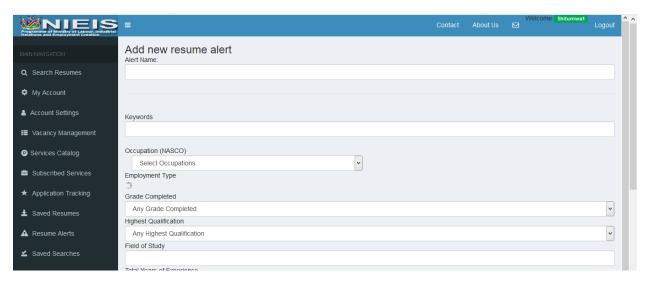




## Next click on Add new resume alert to set your alert



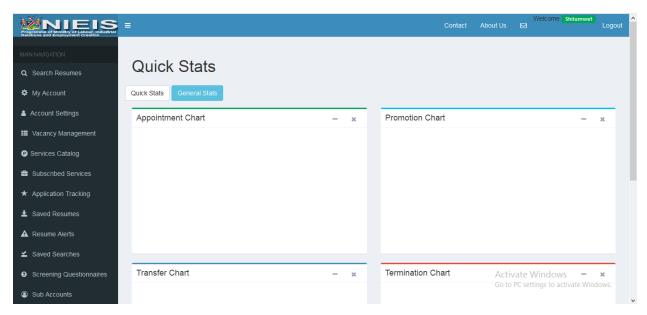
# Fill in the information





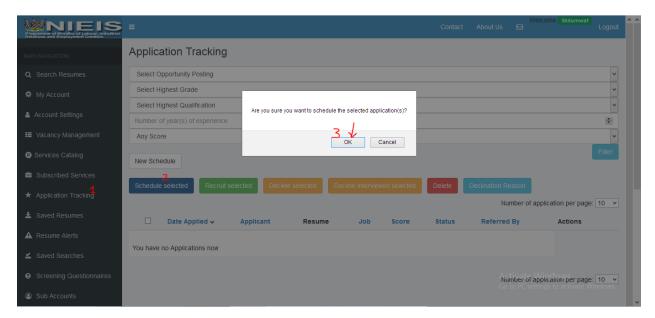
#### Report

With the report you have four options that show you the organization journey, with which gender is being promoted, terminated, appointed, transferred and which sector is progressing the more.



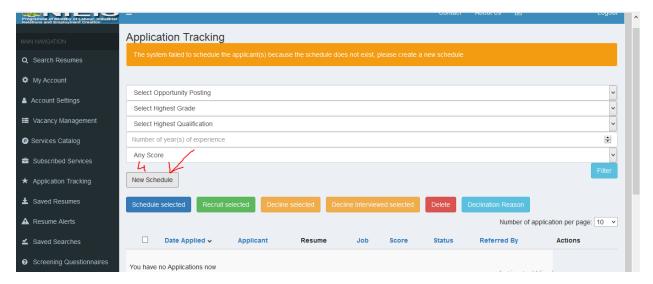
#### **Schedule Selected**

Works in a way you can schedule and reschedule the interview and can receive feedback from the candidate.

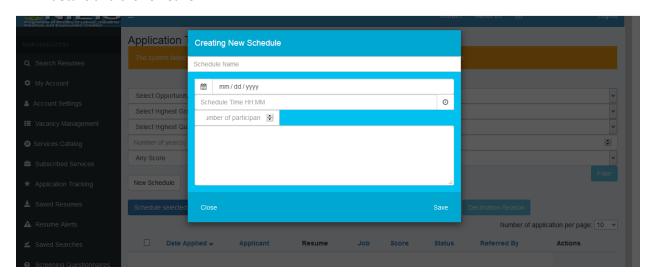


Next click on New Schedule to create one





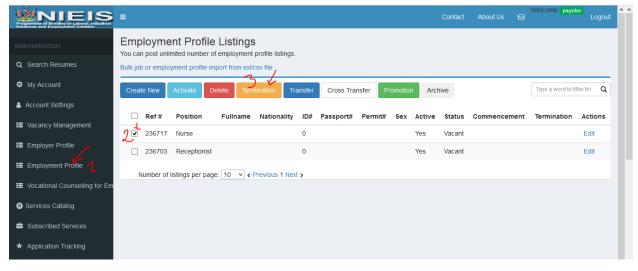
# Fill in details and click on Save

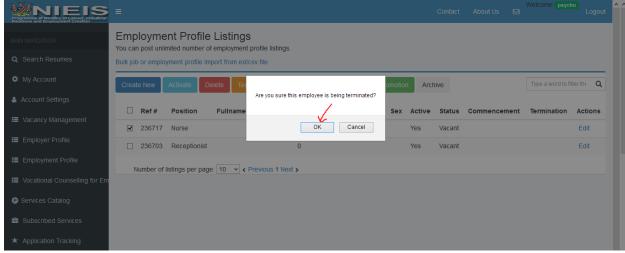


# Termination is under employment profile

Termination will end the employee function in your organisation





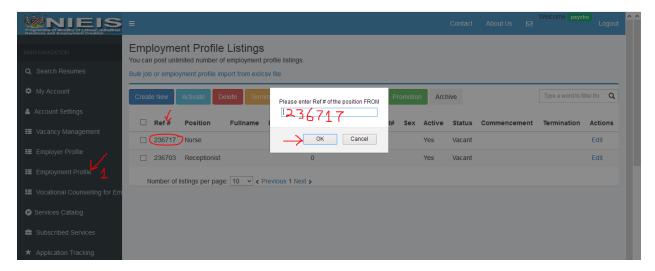


#### Transfer

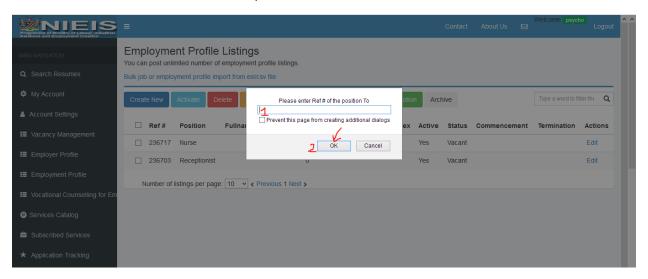
Allowed only when an IT technician is going to the same position at a different location, the system does not allow IT technician being transferred to a senior IT technician.

From to, copy the reference number of the employee you want to transfer from





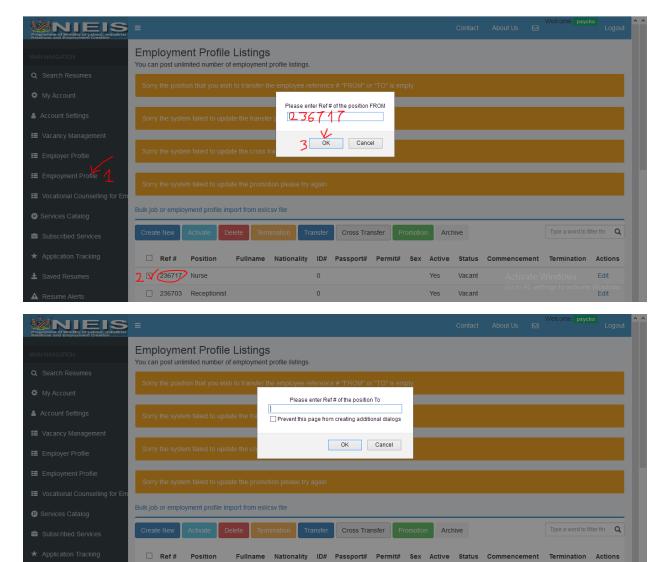
Then enter the reference number of the position.



## **Cross Transfer**

Only happen when same position is being crossed. For example from HR in Windhoek to HR in Swakopmund vice versa.

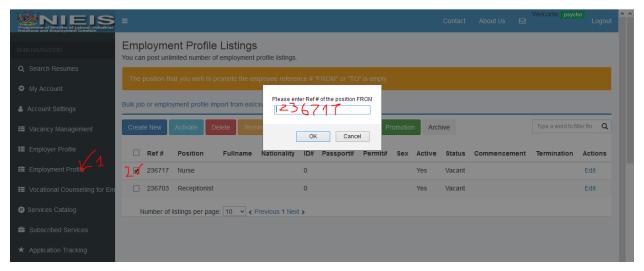


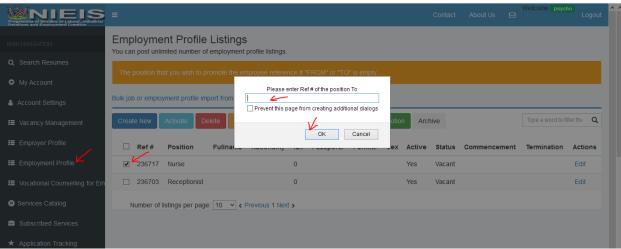


## **Promotion**

Happen when an employee moves from unskilled to skilled.





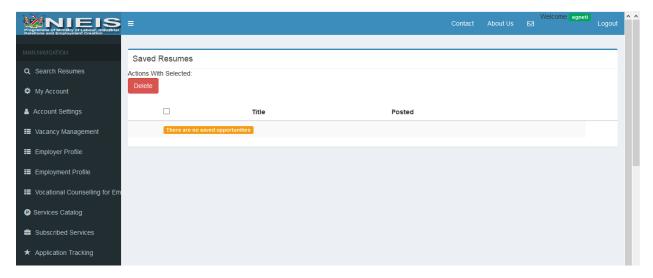


Save resume

#### **Saved Search**

Have searching, the system allow you to save your search in case of the candidate is a potential but need to discuss with your superior and the have to see the candidate resume without going back to the pool of candidates.





#### **Notification**

The employer can set a notification whenever there is or are candidates meeting their requirement for the job advertised. The notification option also allows messages to notify the employer if the candidate has rescheduled the interview. So select all the options you need.

