

Social partnership?

labour relations in Namibia

The process of social transition presents management, trade unions and the state with a set of interacting opportunities and challenges. The tensions generated by the transition to democracy in Namibia revolve around the contradictions between democracy and efficiency, profitability and equity, certainty and uncertainty.

The shift towards parliamentary democracy in Namibia has occurred within the institutional framework of a 'free' market economy. Institutionalised racism has left an enduring legacy of socio-economic inequality, a lack of skills, racially-segmented labour markets and a highly dependent economy. Apartheid social structures continue to play an important role in shaping the pace and direction of social change.

Context

Labour relations in pre-independent Namibia took place in the context of an illegitimate state charged with policing capital accumulation and racial domination. The SWAPO government, under the auspices of 'nation-building' and 'national reconciliation', is attempting to put in place policies aimed at severing the links between wealth creation and racial discrimination.

The effects of apartheid have left deep impressions on the Namibian political economy. The country is still largely tied

Government, labour and capital in Namibia support the idea of a social partnership. A recent survey conducted by Gilton Klerck, Andrew Murray and Martin Sycholt indicates, however, that this goal is still very far from being achieved.

into the old international division of labour through its dependence on the export of primary commodities.

The economy is still based largely on the mining sector, particularly diamonds (which account for 31,3% of total exports). Its secondary export sector is negligible, underdeveloped and reliant on unique commodities (such as semi-precious stones, karakul, etc). The export manufacturing sector is extremely small. As a result, there has as yet been no major trend towards restructuring for 'world class' markets. The state's EPZ strategy is part of Namibia's attempts to promote exports.

'Partnership'

On the one hand, the state is attempting to create an 'enabling' environment for capital. On the other, it is seeking to

empower the labour movement. While government is committed on paper to joint decision making on labour matters, it has not shown the same level of commitment in practice. This is partly due to the lack of a long term and coherent approach.

Despite the bleak prospects for a real 'social partnership' emerging, the concept has the overwhelming support of management and workers in the public and private sectors.

Almost 80% of management respondents and more than 80% of both private and public sector workers felt that the state, employers and unions should get together to formulate a new long term industrial policy.

In order for corporatism to work, however, strong employer and trade union federations are essential. This is not the case in Namibia at present.

Trade unions

Namibian trade unions owe many of their defining characteristics to the colonial context in which they developed. A repressive state, hostile employers, and the demands placed on the trade union movement by the national liberation struggle undermined and impeded attempts by the unions to establish themselves on the shopfloor before the mid-1980s.

The movement entered the independence period in a fledgling stage of development, fragmented, and lacking solely in organisational and administrative capacity. These legacies have precluded a more sophisticated collective bargaining and tripartite engagement with employers and the state.

At the same time, continued hostility and 'bread and butter' struggles at the workplace have provided the unions with a large and militant base.

Democracy

The effective functioning of any union depends on organisational democracy. Shopstewards are central to this relationship. The survey found a high level of workplace representation. Three quarters of trade union members in the private sector reported that they had workplace representatives, compared to 64% in the public sector. Almost all workplace representatives were shopstewards. The large majority of shopstewards are elected, rather than appointed. Fifty five percent of private sector and 45% of public sector respondents reported that they had elected their shopsteward in the past year.

The survey also found a strong sense of accountability on the shopfloor, with most union members demanding regular report-backs and the right to recall their shopstewards. Just over three-quarters of respondents believed there was satisfactory communication between their representatives and union leadership. Fifty seven percent of private sector and 45% of public sector respondents said that they attended union meetings whenever a meeting was called.

Despite union density being higher in the public sector, private sector members participate more actively in their unions. Reasons for this include the more centralised nature of bargaining in the public sector and the fact that, on the whole, there is a lower incidence of unfair labour practices in the public sector. The greater adherence to regulation and procedure in the public sector has partially done away with the need for active union participation by public sector employees.

Effectiveness

Established shopsteward structures are but one of many components which make for

effective union performance. The performance of any trade union must be assessed against its capacity to enhance the material conditions (wages and conditions of service) of its members.

While the survey found a fairly high proportion of respondents (60%) who felt that their trade union had brought about improvements in their conditions of employment, about one third indicated that this was not the case. It also found that the unions had not been very successful in communicating key aspects of labour legislation to their members.

Approximately half of all respondents surveyed did not know of the 1992 Labour Act. Particularly disconcerting was the fact that public sector workplace representatives did not exhibit higher levels of knowledge of the Labour Act than the workers they represent.

The unions also lack the necessary administrative and organisational capacity to drive the process of transformation, both within the workplace and beyond. Proper administrative structures and procedures are not yet in place. Branch and regional organisational structures need to be developed as a matter of urgency.

In the first few years of independence,

the NUNW lost a number of its most experienced and capable leaders to Cabinet, the new National Assembly, and ambassadorial positions.

Political affiliation

NUNW's affiliation to SWAPO remains an extremely controversial issue and threatens to spark a heated debate at the federation's September National Congress. While it has been tabled at previous congresses, the issue has always been swept under the carpet.

Affiliation, it is argued, ensures the federation access to national decision-making. The assumption is that unionists can influence the ruling party which, in turn, can ensure the adoption of policies which are in the interests of the union movement and working class more generally. But as Jauch convincingly argues, the NUNW delegates serving on SWAPO's Central Committee are a minority and have little impact on SWAPO decision-making. Indeed, NUNW influence over SWAPO and government economic policy and national development strategy has been negligible.

Those against affiliation argue that the historical lines of allegiance and loyalty which had the NUNW reporting directly

State of the unions

At 52%, Namibia boasts amongst the highest levels of trade union density in the developing world, considerably higher than South Africa, estimated by Baskin to be a little over 40%. Density is very high in the public sector (80%) and lower in the private sector (40%).

Most of the unions are affiliated either to the NUNW or the Namibian People's Social Movement (NPSM). The NUNW has eight affiliate unions, the largest and most effective of which are the Namibian Public Workers Union (NAPWU), the Namibia Food

and Allied Workers Union (NAFAU) and the Mineworkers Union of Namibia (MUN). In total, the NUNW affiliated unions have a membership of approximately 75 000, which is about 65% of all union members.

The NPSM has about 18 000 members, while trade unions which are not affiliated to a national centre account for a membership of 30 000.

The largest of the non-affiliated trade unions is the Public Service Union of Namibia (PSUN) which is NAPWU's major rival in the public sector.

to SWAPO's NEC, still remain, albeit in a more fragmented and partial form. This has compromised the independence of the federation, and has placed the NUNW in a position where its interests and aspirations (and those of its members) are subordinate to those of SWAPO. The party is seen to exert undue influence on the federation, resulting in the federation and its affiliate unions taking 'soft options', such as the acceptance by NANTU and NAPWU of a government wage offer in the 1994 public service wage dispute. Critics of affiliation also argue that the SWAPO-NUNW relationship precludes trade union unity.

Tripartism

Even before independence, some of the Namibian unions recognised the importance of participating in joint decision making forums. They were involved in the Commission of Enquiry into Labour Matters in 1987 and participated in drafting Namibia's new constitution.

The SWAPO government has established a number of structures to facilitate engagement between government, unions and employers. One of the most important of these is the Labour Advisory Council (LAC), which was set up in May 1993 to advise the Minister of Labour. The assessors of the Labour Courts and District Labour Courts are drawn from both registered trade unions and registered employers' organisations. The Wage Commissions, which set minimum standards, are also tripartite bodies.

Unionists argue, however, that, in practice, tripartism is not working. The kinds of issues which unions are invited to discuss are those directly related to labour relations in the narrowest sense. Ranga Haikali, the NUNW acting general

secretary, says that, even on labour matters, "consultations with trade unions happen on an *ad hoc* basis, and only when it suits the government".

Unions have found themselves excluded from a range of strategic areas of policy formulation, including the Five Year National Development Plan, macro-economic planning and the national budget.

Collective bargaining

The collective bargaining structure that has emerged in Namibia is, as elsewhere, the product of a specific compromise between employers, trade unions, and the state. The passing of the Labour Act in 1992 signalled the end of racial despotism on the shopfloor and attempted to regulate an increasing militant and combative trade union movement.

The impact of apartheid on the processes of collective bargaining in Namibia is most starkly revealed in the (almost) racially-exclusive bargaining units. Decades of legislated racial discrimination have produced a strong correlation between race and skill. Indeed one of the greatest challenges facing the NUNW is to expand its bargaining units beyond the labour movement's historical support-base. This will require the incorporation of more skilled (usually white) sectors of the working class within its sphere of recognition.

Racial divisions are, however, encouraged by managers who refuse to adopt a majoritarian approach and encourage the proliferation of many, small unions. This is clearly in conflict with the spirit of the Labour Act which is committed to majoritarianism and even provides for exclusive bargaining agents.

Issues such as recognition, wages and dismissals dominate the unions' negotiation agenda. There is little

involvement in broader macro-economic issues

The limited bargaining range is strongly influenced by the nature of bargaining units in negotiations. Decentralised or plant-level bargaining invariably translates into small and fragmented bargaining units. It also strengthens, rather than undermines, the divisions that exist among workers.

Employers' choices over bargaining levels will be informed by their experiences in negotiations, the opportunities presented by the different levels, and their assessment of trade union power. In sectors where employers have a weak capacity for co-ordination, unions will encounter considerable opposition to centralised bargaining.

Government policies can also inhibit centralised bargaining. Low levels of economic and industrial development, the risk of politicising labour-business relations and the potential for nation-wide strikes have all fostered governmental opposition to centralised bargaining.

Key sectors of the Namibian economy lack a central employer organisation. Those which exist are not willing or equipped to conduct negotiations. Roughly one third of the management respondents' firms belonged to an employers' federation.

Bodies with potential co-ordinating capacity, such as the Namibian Employers' Federation (NEF) and the Namibian Chamber of Commerce and Industry (NCCI), lack the discipline, authority and ideological homogeneity to present an undivided front.

The diversity within and between sectors has become entrenched through Namibia's voluntarist system of labour relations. In the mining sector, for example, where some of the more sophisticated bargaining takes place, the

lack of homogeneity within the sector undermines any centralising tendencies which might exist.

Decentralised bargaining is relatively easy for management to co-ordinate. Such co-ordination is far more difficult for the unions.

In several of the firms in our sample, the joint regulation of employment conditions occurs in the absence of a formalised recognition agreement. We can therefore expect that the labour movement in Namibia will experience conflicting pressures towards both more centralised bargaining and the expansion of local negotiations.

The low levels of trust in Namibia's labour relations can be gauged not only from the limited scope of bargaining, but also from the subjective perceptions which employees and management hold of their relationship. When asked to describe the relationship between management and their union, 50-60% of all the employee respondents suggested that union-management relationships are 'antagonistic' or just 'workable'.

Only about a quarter of the employees in each sector described relations as 'co-operative'. On the other hand, close on 60% of managers regarded the relationship with the union as co-operative, while no single manager saw it as antagonistic. This reflects the fundamentally different assumptions which employees and management have of their relationship, and of conflict in the workplace.

The picture that emerges from the survey is one of solid gains made by the labour movement in the negotiation of basic conditions of employment. Trade unions have a say in a range of decisions which impact on employment conditions (especially in the larger workplaces). A significant proportion of Namibia's workforce, however, remains outside the



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May Day Rally, 1988, Katutura, Windhoek.

ambit of collective bargaining and is subject to the unilateral imposition of employment conditions by management. The structures and processes of collective bargaining in Namibia are, in many respects, still in their formative stage.

The range of issues subject to negotiation is relatively narrow and bargaining is highly decentralised and fragmented. Neither employers nor the trade unions have yet formulated consistent policies on sectoral or industry-level bargaining.

In many of the workplaces we surveyed the terrain of collective labour relations is still largely in the process of being defined and has yet to be crystallised within a stable institutional framework.

Collective bargaining in Namibia will retain its adversarial nature for some time to come. The labour movement will have to consolidate and expand its presence in the workplace before it can engage successfully with broader decision-making forums.

Strong, militant shopsteward structures are the best insurance against both union

oligarchy and subservience to the priorities of management or the state.

Strikes

While many of the strikes of the pre-independence had an obvious political dimension, strikes have continued to be an integral part of labour relations in Namibia. The first six years of independence have witnessed a greater number of strikes than the 1970s or 1980s.

By far the most prevalent cause of strikes was wage related disputes. This was followed by conditions of service, dissatisfaction with management/supervisors, dismissals and retrenchments. Most strikes have occurred in manufacturing and trade. Only 12% of strikes took place within the public service. More than half the cases (55%) appear to have been settled in workers' favour.

The high incidence of strikes reflects the continuing adversarial nature of labour relations in Namibia. The union movement is still extending, as opposed to consolidating, workplace gains. Collective

bargaining remains at the formative stage. Many employers continue to unilaterally determine terms and conditions of employment.

Workers still perceive management as exploitative, racist and conservative. The dispute resolution procedures introduced by the Labour Act have not been as successful as anticipated. The prospects for industrial peace seem remote.

A labour movement consumed by disputes revolving around recognition, dismissals and wage increases would be hard pressed to sustain an informed and mandated presence in broader decision-making structures. To be sure, neither management nor the trade unions presently possess the strategic capacity or organisational resources to sustain genuine co-determination in labour relations.

The role of the state is also crucial in that it must provide the conditions necessary to encourage tripartite regulation of the economy. A meaningful social partnership presupposes a particular institutional framework, a balance of class forces that is not overwhelmingly in favour of employers, a corporatist state and so on. It cannot be constructed in a socio-economic and political vacuum.

The problem is not simply a matter of finding a new equilibrium between business and labour, but rather a systematic redress of vast and expanding socio-economic inequalities. In the absence of an institutional framework that consolidates and expands the power of trade unions, Namibia will at best witness a partial, unstable and neo-liberal form of corporatism. In short, a 'partnership' on management's terms. A major consequence of such a development can only be an increase in labour market segmentation, with a growing polarisation

between the so-called 'core' and 'periphery' of the working class.

This article draws on the findings of the 1995/1996 Labour Relations Survey. Three surveys were conducted amongst workers in the private sector, public sector employees and managers in Namibia. A number of indepth interviews supplemented the surveys. ★

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The authors wish to acknowledge the financial assistance of the Friedrich Ebert Stiftung and Rhodes University. Thanks also go to all who participated in this research. Gilton Klerck is a lecturer in the Sociology Department at Rhodes University. Andrew Murray lectures in Sociology at Fort Hare University and Martin Sycholt is a lecturer in Sociology at Vista University.