

Trade unions in Namibia

Namibia's independence in 1990 brought about several challenges for the labour movement. The major challenge was addressing the legacy of segmented labour markets and the skew distribution of resources inherited from the colonial period. Additional problems included the inherited conflicts and mistrust between labour, employers and government.

Independence brought about the right to organise and bargain freely. However, unions still need to confront their lack of internal resources and capacity, as well as the establishment of export processing zones (EPZs), in order to make hard-won gains more meaningful.

Socio-economic background

With an unemployment rate of 34%, Namibia has similar problems to the rest of southern Africa, with low job creation and additional under-employment. Of a population of about 1,6 million, only about 357 000 people are employed. Each worker therefore carries the financial responsibility for four people. Yet, only about 225 000 workers are in formal wage employment. The rest struggle for survival in the informal sector and farming. Informal sector activities are mostly concentrated in trading, manufacturing and liquor. The government is by far the largest employer in the formal sector.

Colonialism's legacy means that the

Sabata Nakanyane reports on the labour movement in Namibia.

majority of unskilled jobs are held by blacks while whites are concentrated in higher management echelons. Men constitute a significant majority in the management echelons and the employed in general.

Segmented labour markets reflect a segmented educational system from the past. Government had allocated more funds to urban schools catering mainly for white children. Schools attended by mainly black children were under-funded and understaffed. Many blacks were denied access to secondary and tertiary education during the pre-independence period. This resulted in skill shortages amongst the black communities.

The new democratic government increased its budget allocation towards education - from 40% in 1992 to 64% in 1996/7. However, major challenges still remain for vocational training and skills development.

The United Nations Development Program (UNDP) ranks Namibia as a middle income country in terms of its GDP per capita (US\$ 577 in 1995). However, there are vast disparities in living

standards between black and white people. Whites, which constitute 5% of the total population, have an estimated annual per capita income of US\$16 500. An emerging black elite of about 1% of the population earn similar salaries. In contrast, the majority of blacks who depend on subsistence agriculture and informal sector activities have an estimated annual income of US\$85 per capita.

Labour law

Labour legislation in pre-independence Namibia closely mirrored South Africa's legislation during the apartheid era - it was defined along racial lines and denied workers' organisational rights. In 1992, the

Namibian government consolidated most labour legislation into the Labour Act. It did so using the technical assistance of the International Labour Organisation (ILO) and had extensive consultations with the social partners

The Labour Act covers collective bargaining, basic conditions of employment, health and safety, employment equity and labour market institutions.

The scope of the Act is wide - it applies to all workers including farmworkers, domestic workers and the public sector, but excludes the police and defence force.

The Act confers basic organisational rights to a union, upon registration. Thus

Employment by industry and sex (Namibian labour force survey, 1997)

	Both	Female	Male
Agriculture	130 688	62 752	67 936
Fishing	5 756	1 807	3 949
Mining and quarrying	5 504	433	5 071
Manufacturing	22 840	10 411	12 429
Electricity, gas & water supply	4 061	396	3 665
Construction	17 720	1 408	16 313
Wholesale and retail trade, repair of motor vehicles	30 072	13 562	16 510
Hotels and restaurants	2 539	1 367	1 172
Transport, storage and communication	11 928	1 475	10 453
Financial intermediation	6 923	3 124	3 799
Real estate, renting and business activities	18 571	9 891	8 680
Public administration, defence & social security	20 033	5 891	14 142
Education	21 628	13 536	8 092
Health and social work	9 690	6 868	2 823
Other community, social & personal services	22 098	10 593	11 505
Private households with employed persons	24 817	18 708	6 109
Extra-territorial organisations & bodies	212	127	85
Not reported	1 707	944	764
Discrepancy	59	0	59
Total	356 849	163 292	193 556

the union does not have to represent the majority of employees within a bargaining unit to enjoy basic organisational rights.

These rights include:

- access to an employer's premises;
- deduction of membership fees;
- representation of union members in labour disputes;
- election of workplace union representatives.

Namibian workers (with the exception of workers in essential services) enjoy the right to strike and peaceful picketing. The union has to give 48-hours notice to the labour commissioner and the employer of its intention to embark on a strike. When workers have participated in a lawful strike, they are protected from dismissal.

Only a registered union that represents the majority of employees in a bargaining unit employed by any employer is entitled to the right of collective bargaining. The union has to apply to the employer in writing to start collective bargaining negotiations. A registered majority union has the right to be the 'exclusive bargaining agent' for the purposes of collective bargaining. This means that the act supports a 'majoritarian' system and not the 'all comer' system. Thus, although a registered minority union may enjoy basic organisational rights, it will not enjoy the



right to collective bargaining. Collective bargaining agreements are binding on all employees, irrespective of trade union membership.

Matters for collective bargaining agreements include wages and working conditions and other matters of mutual interest to employers and employees. Collective bargaining agreements may be submitted to the labour commissioner for registration. The Minister of Labour may, on application by one of the parties, extend the collective bargaining agreement to all employees in the industry. Perhaps the most significant feature of the Act is that it does not make provision for the establishment of industrial councils. The establishment of industrial councils is left in the hands of unions and employers. As a result, not many unions enjoy the right to centralised bargaining. Collective bargaining mainly takes place at a workplace and company level. Centralised industry bargaining takes place in the fishing and construction sectors. While collective bargaining in the mining industry regarding wages takes place at a mine level, collective bargaining on policy issues takes place at a centralised level. Centralised bargaining in these industries is a result of the negotiations between employers and trade unions.

Trade unions

With a total of 129 769 union members, the union density rate in Namibia is about 58% and one of the highest in southern Africa. Most union members are from the public sector - close to 80% of public sector workers are trade union members.

There are three trade union federations in Namibia:

- the National Union of Namibian Workers (NUNW);
- the Namibian People's Social Movement (NPSM);



Namibian workers won their struggle for independence.

- the Namibian Federation of Trade Unions (NAFTU).

Membership of all three federations is predominantly African. NUNW is the largest federation and has the widest spread of membership among different sectors. It is currently affiliated to SWAPO, although some affiliates have taken positions against continued affiliation and the issue continues to be hotly contested. The federation has an estimated paid up membership of 58 518 from eight affiliates.

The second largest trade union federation, NAFTU, was formed in October 1998. Its affiliates include:

- the Public Service Union of Namibia (PSUN);
- the Teachers Union of Namibia (TUN);
- the Namibia Telecommunication Union (NTU);
- the Local Authority Union of Namibia

(LAUN),

- the Namibia Seamen and Allied Workers Union (NASAWU).

The federation claims to represent about 45 000 workers. Its members come mainly from the public service (PSUN claims to represent 25 000 workers in the public service). Yet, when a referendum was held in 1996 to determine which union has majority support, the PSUN received only about 10 000 votes from civil servants.

The other trade union federation, NPSM, was previously the Namibian Christian Social Trade Union. It changed its structure and name in 1992, ostensibly to become an 'umbrella' body, organising communities and incorporating a wide range of sectors such as youth and elders. It became the umbrella body of:

- the Namibia Wholesale and Retail Workers Union (NWRWU);

NUNW membership and unionisation rates (LaRRI 1999)

Union	Paid-up membership	Estimated membership	Unionisation rate (%)	Estimated unionisation rate%	Estimated membership of rival unions	Estimated unionisation of rival unions
Metal and Allied Namibian Workers Union (MANWU)	3 650	6 269	16,06	27,58	4 000	17,6
Mineworkers Union of Namibia (MUN)	5 799	7 500	67,43	87,21	-	-
Namibia Food and Allied Workers Union (NAFAU)	9 055	12 000	34,31	45,46	8 500	32,2
Namibia National Teachers Union (NANTU)	9 213	12 500	51,58	69,98	2 000	11,2
Namibia Public Workers Union (NAPWU)	24 065	35 000	49,64	72,19	25 000	51,56
Namibia Transport and Allied Workers Union (NATAU)	2 717	2 000	31,89	23,48	-	-
Namibia Domestic and Allied Workers Union (NDAWU)	3 262	5 000	15,6	23,91	-	-
Namibia Farmworkers Union (NAFWU)	757	3 500	2,12	9,83	-	-
TOTALS	58 518	70 769	30,89	37,35	NAFTU: 45 000	NPSM: 14 000

- the Namibia Building Workers Union (NBWU);
- the Bank Workers Union of Namibia (BAWON);
- the South West Africa Mineworkers Union (SWAMU).

The federation projects its membership to be between 13 000 and 15 000.

Challenges

The first internal challenge facing the labour movement relates to capacity. Unions struggle with a shortage of proper administrative infrastructure. The fact that the unions can only provide estimates of their membership reflects that there are problems in their management and administrative systems. There is also the challenge of building the capacity of leadership.

After independence, NUNW lost a number of its experienced and effective leaders (about 60 leaders) to government and other government-controlled

institutions. This brain drain from the unions to government has left a leadership gap in NUNW that still needs to be filled. The leadership problem does not only apply to NUNW, NPSM faces a similar challenge. The general secretary of the NPSM is at the same time general secretary of two of its affiliates (NBWU and NWRWU).

The other challenge facing the trade union movement relates to lack of capacity in research and policy formulation. Unlike in South Africa, where COSATU has established its own research institute - Naledi - to assist in research and policy issues, Namibian unions depend to a large extent on the use of consultants. The situation started improving in 1998 when NUNW established a research institute called Labour Resource and Research Institute (LaRRI). However, LaRRI is also under-resourced.

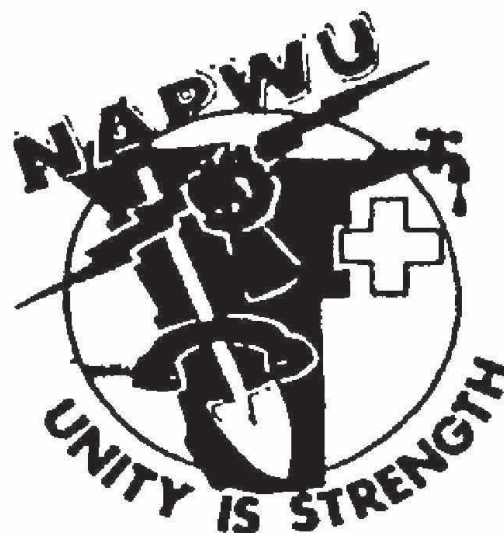
The labour movement is also faced with

a challenge relating to EPZs. The EPZ Act was released in 1995 to:

- attract, promote or increase the manufacture of goods for export;
- create or increase industrial employment, export earnings, industrial investment and foreign investment;
- encourage technology transfer into Namibia;
- encourage the development of management and labour skills in Namibia.

The challenge for labour is to ensure that the entire Labour Act of 1992 applies to EPZ workers and companies. The EPZ act empowers the Minister of Trade and Industry in consultation with the Minister of Labour and Human Resources Development, to make regulations on basic conditions of employment, termination of employment, disciplinary actions, and health, safety and welfare conditions. The labour movement, especially the NUNW, has opposed the exclusion of provisions of the Labour Act in EPZ companies. "

In 1995, NUNW instructed its lawyers to challenge the constitutionality of the EPZ Act in court. But it reached a compromise after a series of meetings with the government and SWAPO. The compromise stated that provisions of the Labour Act would apply in the EPZs, with



the exception of provisions on strikes and lock-outs which are outlawed for a period of five years.

At the moment, NUNW is demanding that the no-strike clause should be eliminated this year, as the five-year period comes to an end. Several EPZ companies want the no-strike clause to be retained in the Act.

Lastly, the unions are still faced with the problem of being financially viable and self-reliant. Most unions depend on foreign funding to run their activities. The situation started to improve in 1998, when the majority of unions started financing their core activities from their own funds and only receiving outside support for specific activities. However, the domestic workers union (NDAWU) and the farmworkers' union (NAFWU) still totally rely on outside funding for their survival, as they have great difficulties collecting membership dues.

As we start a new decade and millennium, unions in Namibia still have far to go. Consolidating hard-fought gains and building a united labour movement when confronted with lack of capacity and resources is no easy task. We wish our comrades in Namibia good luck. ★

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