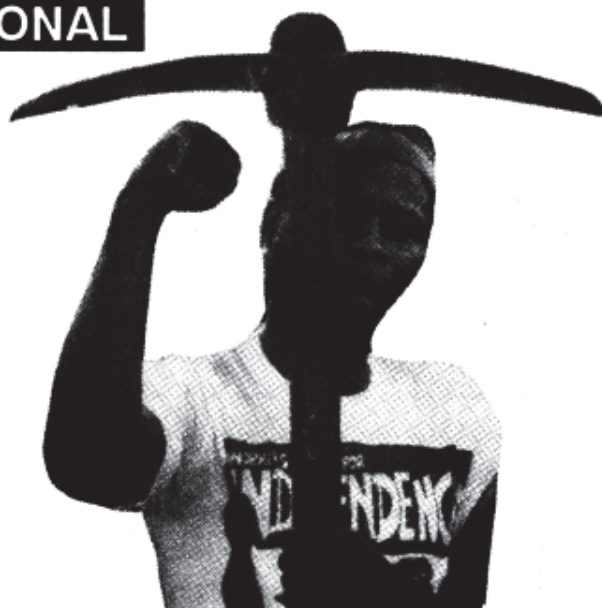




# Tripartism *and workers* in Namibia



Since independence, labour relations in Namibia have been rooted in tripartism. But as GRETCHEN BAUER\* argues, the unions are struggling to make their voice heard.



Since political independence in March 1990 tripartism has been stated as a fundamental principle of Namibian labour relations. As early as July 1990, the National Policy on Labour and Manpower

Development recognised “the function of tripartism” and aimed to “encourage and promote full co-operation and consultation between the Government, employees and employers, including the respective representative trade unions and employers’ organisations.”

Introducing new labour legislation in March 1992, Minister of Labour and Manpower Development Hendrik Witbooi noted that “one of the major objectives of this legislation is to promote the principle of tripartism – that is, to

encourage the discussion of major issues affecting employment, including industrial relations, working conditions, enactment of new legislation, ratification of international labour conventions – by unions, employers and Government.”

The new law came into effect in November 1992 bringing together into one Act most labour-related legislation. For the first time in Namibia, all workers are covered by the new labour legislation, including domestic workers, farmworkers and the public service (except for the police and the National Defence Force).

The Labour Act pledges, “where possible”, to adhere to international conventions and recommendations of the International Labour Organisation (ILO); whence comes the notion of tripartism. The Act provides a framework for labour relations which, for the first time in Namibia, encourages collective bargaining between employers and trade unions. This

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includes the regulation of trade unions and employer organisations through a system of registration and court supervision; the recognition of registered unions as exclusive bargaining agents where a majority of employees support such representation; the duty of fair representation; organisational rights of access and the collection of membership dues; provision of workplace union representation; wide powers to the Labour Court for monitoring and regulating the system of collective bargaining; and the registration of collective agreements and their extension to non-parties.

In addition, a number of structures provided for in the Labour Act promote tripartism in labour relations or are tripartite bodies themselves. A Labour Advisory Council (LAC) – comprised of four representatives each from government, registered employers' organisations and registered trade unions – has been established to advise the Minister on 'any labour related matters'. The Act also provides for the appointment of a Wages Commission, able to set minimum wages in a given sector of the economy; and consisting of a chairperson appointed by the Minister and one representative each from registered unions and employers' organisations.

In addition the Act provides for the establishment of a Labour Court and district Labour Courts whose assessors may be appointed in equal numbers from among representatives of trade unions and employers' organisations. Finally, the office of the Labour Commissioner has been established to facilitate healthy labour relations between the 'social partners'; the Labour Commissioner plays a key role in the regulation of collective relations as well as in some of the new structures provided for in the Act.

### Trade union unity

While the new labour legislation covers all Namibian workers, its tripartite structures and procedures are geared towards organised workers. In its insistence on organised representation, tripartism ignores the majority of workers in Namibia – those in communal

## THE NAMIBIAN ECONOMY

- Namibia's economy is heavily dependent on its primary and tertiary sectors. In 1990 the ILO estimated the total economically active population in Namibia to be about 500 000 people.
- The primary sector is dominated by minerals, fish and fish products, and beef for export. It includes a large subsistence agriculture sector in which about half of the economically active population is estimated to be employed or underemployed.
- The tertiary sector is dominated by the public service, the largest single employer in Namibia, accounting for approximately 62 000 of the 200 000 formal sector workers in the country. (An underdeveloped manufacturing sector employs only five percent of the workforce and accounts for only four percent of gross domestic product.)
- Thus the economy and workforce are particularly susceptible to falling world mineral prices and drought, both of which the country is currently experiencing. ◆

agriculture, in the informal sector, and those in the formal sector who are not trade union members.

Out of an estimated economically active population of 500 000, only about 200 000 are in the formal sector. According to (probably inflated) union estimates, just under half of these belong to trade unions. At one extreme, the 36 000 farmworkers, some of the worst off workers in the country, are not yet unionised.

There is also the question of trade union unity. There are, in fact, two trade union federations in Namibia at present. The larger and more visible one is the National Union of Namibian Workers (NUNW) comprised of seven member unions. The NUNW was formally launched inside Namibia in 1989, although its member unions had been formed at intervals from late 1986 onwards. Historically it is inextricably linked with SWAPO, now the ruling party in government; indeed it is formally affiliated to the party. The NUNW claims a total membership of about 62 500 workers.



## NAMIBIA - TWO FEDERATIONS

### National Union of Namibian Workers (NUNW)

- Namibian Food and Allied Union (NAFAU)
- Mineworkers Union of Namibia (MUN)
- Metal and Allied Namibian Workers Union (MANWU)
- Namibian Public Workers Union (NAPWU)
- Namibian Transport and Allied Union (NATAU)
- Namibian National Teachers Union (NANTU)
- Namibia Domestic and Allied Workers Union (NDAWU)

### Namibian People's Social Movement (NPSM)

- Public Service Union of Namibia (PSUN)
- Local Authorities Union of Namibia (LAUN)
- Namibia Building Workers Union (NBWU)
- Namibia Wholesale and Retail Workers Union (NWRWU)
- South West Africa Mineworkers Union (SWAMWU)

### Unaffiliated

- Teachers Union of Namibia (TUN)

The other trade union federation is a looser grouping of unions known as the Namibia People's Social Movement (NPSM), and intending also to incorporate other community-based organisations. Until October 1992 it was known as the Namibian Christian Social Trade Unions and claims a total membership of about 30 000. Some of its affiliates are considerably older and more experienced than those of the NUNW, having their origins in staff associations founded long before independence. There is also a Teachers Union of Namibia (TUN) not affiliated to either federation. Thus, fewer than 100 000 workers are fragmented into 13 trade unions, with more than one trade union for teachers, the public service, mineworkers, building workers, and retail workers.

While there is nothing in tripartism that requires trade union unity, division certainly reduces the possibility of effective union participation. There is antagonism between the

two federations – based on the charge that the NUNW unions are 'political' (because they are affiliated to SWAPO) and the counter-charge that the NPSM unions are a hangover from the colonial era – that threatens to weaken worker representation in tripartite structures. This has already happened with the Labour Advisory Council where the appointment of the four union delegates (made on the basis of nominations by the unions themselves) included two representatives from the NUNW unions and two from the other unions. The NUNW, feeling that it represents the majority of Namibian workers, protested strongly, saying it would boycott the Labour Advisory Council altogether. In the event, the NUNW representatives attended the first meeting of the LAC but the worker representation remains, in effect, divided. The same is likely to happen when the first Wages Commission is constituted and when the working committees of the LAC are set up; indeed the situation arises each year when invitations are issued for the annual ILO meeting in Geneva.

### Union autonomy?

Tripartism in labour relations, by definition, assumes that government interacts with two distinct 'social partners' – employers and workers. But this distinction is blurred in at least two respects in Namibia. First, as in most countries in Africa, government is the single largest employer in the formal sector, employing some 62 000 persons. Thus, a considerable overlap exists in the tripartite relationship for almost one third of the formal sector workforce.

Second, the major trade union federation, the NUNW, is affiliated to SWAPO, the 'ruling party' in government. The content of this affiliation has not been clearly elaborated except at election time, but the issue has generated considerable debate, at least among union leadership in Windhoek. A formal decision to remain affiliated to SWAPO was taken by vote at the extraordinary congress of the NUNW in May 1991, and it is not clear whether the issue will be revisited at the national congress in September this year.



While SWAPO is not the government, for the NUNW the challenge remains of distinguishing themselves from party and government, of articulating their own policy positions, of having the freedom to criticise, and of their first priority being to develop a trade union movement rather than a political party.

### **Balance between the social partners?**

Most important perhaps is the issue of whether or not a balance exists among the tripartite partners. At the moment it appears that workers and their unions are the weakest partner in the relationship, with government the strongest. Even the Labour Commissioner admits that the government, like governments everywhere, has a distinct advantage: not only does it have more resources at its disposal, but it is government that chairs the tripartite bodies and it is government that usually initiates a discussion or proposes policy and only then 'consults' the two social partners.

Since the mid-1980s attempts have been ongoing to organise employers into an overall employers' federation. These efforts have accelerated since independence with the new government making clear its desire to have one employers' body with which to speak. A Namibian Employers' Federation is in the process of being established. To date, however, there is only one employers' organisation registered with the Labour Commissioner; representing 102 companies in the construction industry.

Except for a few large multinational corporations, most employers in Namibia have been isolated from any notion of collective labour relations. Resistance by employers to trade unions has been very strong. In the past, employers preferred simply to pay off and dismiss 'troublesome' workers, or call in the police to quell a 'riot'. Rather than negotiate with union representatives, employers preferred to 'consult' with liaison and other committees of their own creation.

It is likely that employer influence will exceed their low level of formal organisation and lack of experience in collective labour

relations. Despite some recent criticism of the private sector for numerous retrenchments and a failure to generate more jobs, government is clearly concerned to attract as much foreign and domestic investment as possible and therefore to provide the requisite environment.

### **Lack of union capacity**

Trade unions are the most disadvantaged partner in the new labour relations dispensation. In large part this stems from their lack of capacity. With few exceptions, most unions are young and inexperienced. For the NUNW unions, the early post-independence years have seen the need for a transition from the mobilisational and political role they played in the liberation struggle to one of building and strengthening their organisations and servicing their members.

Trade union structures tend to be weak with, in the case of some unions, members and potential members not even certain what a trade union is, and how it is different from a political party. Even union General Secretaries complain of inadequate understanding of and preparation for their positions. In general, the unions suffer from a weak human resources base and organisational capacity. One legacy of apartheid is a workforce with little formal training and a national illiteracy rate of about 60 percent. Most workers are not at all proficient in English, the newly declared national language in which business is increasingly conducted. The unions have virtually no research capacity, which hampers adequate preparation for negotiations with employers and has more or less prevented any effective participation in the national policy making process.

The unions like many other organisations in Namibia, are plagued by a steady drain of officials to more secure and lucrative positions, with many of the more experienced unionists now sitting in government Ministries and other government offices. A number of the unions, and the NUNW federation, are reliant upon donor funding. This means that unions have not been forced to rely upon member subscriptions or other mechanisms to raise



funds. Those without donor funds tend to be in dire financial straits. While the leadership is painfully aware of the unions' current lack of capacity, there is much to be done to redress it.

### **Can tripartism work?**

The new labour dispensation in Namibia is still in its early stages. The office of the Labour Commissioner has no staff, except for the Commissioner himself, and the Labour Court and district labour courts are not yet functioning – indeed the rules are still being drawn up. Nevertheless, trade unions are registering themselves and the new collective agreements they are concluding. The Labour Advisory Council has been established and both formal and informal consultations with the social partners have been initiated by government. Informal discussions among the tripartite partners are being organised in Windhoek in an attempt to bridge the enormous gap between workers and their employers.

A concern for the workers of Namibia must be whether their unions have the autonomy, capacity and vision to defend and promote their interests: to participate effectively in the

various tripartite bodies and to utilise sufficiently the mechanisms provided by the tripartite framework.

To be effective, the unions must understand the new system fully and its implications, and take a proactive role. For example, to date no Wages Commission has been instigated; and yet in the case of domestic workers or farmworkers, where unions are weak or non-existent, the results of a Wages Commission investigation could do much to improve living and working conditions. Similarly, the unions have been slow to articulate any economic or social policy positions of their own. Indeed, they have barely participated when opportunities for consultation have been extended to them by government – for example, in the drafting of a national development plan or the new social security legislation.

Finally, the unions must analyse carefully the possible consequences of frequent government appeals to harmonise labour relations in the interest of national development and the welfare of the nation. The consequences of such appeals for trade unions elsewhere in Africa are well known. ☆

