



NUNW/FES Workshop

The New Labour Act (No.11 2007)

Gobabis, 09 – 11 June 2008

- REPORT -

Welcoming

NUNW educator Stalin Maharero and FES project officer Tangeni Nuukuawo welcomed the participants and outlined the logistical arrangements for the workshop. They then handed over to the workshop facilitator, John Nakuta. The facilitator and participants introduced themselves and agreed on house rules for the conducting of the training workshop.

The participants represented NAFAU, NAPWU, NATAU, NANTU, NAFINU, MANWU and the NUNW.

The facilitator asked the participants to indicate why they attended the workshop and what their expectations were. Some of the participants had attended Larri's Labour Diploma course and have covered the Labour Act (Labour Act 1992 or Labour Bill 2006) during Labour Law and Collective Bargaining module. Most members affirmed that they have attended workshops on the Labour Act (Labour Act 1992 & 2004), some of them more than once. Although most participants attended some workshops before, their expectations were to understand the Labour Act 2007 and to know their rights as employees. Participant from the teaching fraternity wanted to know if the New Act has any specific provision on the teaching fraternity. The facilitator indicated that the new law, like its predecessor, would apply to all employment relations. He also the occasion to explain to exclusion of certain groups of employees from the application of the law but stress that section 5 (prohibition of discrimination and sexual harassment), of the Act would also apply to these group of employees. As usual, most participants also expected to learn more about the Social Security Commission (SSC) and the benefits thereof during this workshop.

Objective of the workshop

The New Labour Act No. 11 of 2007 was signed in December 2007 to replace the current 1992 Labour Act. The date of implementation of the Act is still to be announced by the Minister of Labour and Social Welfare. The workshops are

carried out in order to equip the unionist to understand their rights and responsibilities at their workplace according to the new Labour Act. It was also important that the facilitators draw attention to the key differences between the two Acts. Participants are expected to share the acquired knowledge and information with their colleagues.

Topics covered

During the first day the facilitators gave an overview on the fundamental rights and protections as well as the minimum conditions of employment. The workshop was presented in a very participatory mode. Various methods i.e. group activities, pairing, buzzing off, etc. were used to engage the participants in the training programme. An exercise was given on the dismissals whereby participants were requested to differentiate different types of dismissals permissible in the Labour Act. The facilitators used a real live scenario to explain to the participants what constitutes severance pay and who is eligible to receive it. Activities were also used to explain the concept of “unfair labour practice” introduced by the Act.

The second day was dominated by the topic of disputes resolutions procedures. This attracted the participants’ interest because in the current 1992 Act, disputes are referred to the district labour courts while the new Act is doing away with such courts. In the new Labour Act disputes are referred to the Labour Commissioner who will refer them to either conciliation or arbitration depending on the nature of the dispute (interest or right). The participants were keen to learn about the right procedures to follow when embarking a “protected strike” and when an industrial strike can be considered unprotected or illegal.

On the last day, facilitators reviewed the topics covered on the previous days and also highlighted some of the general provisions in the New Labour Act. The issue of government banning labour hire raised interest and the participants fully supported the effort of the government on the action taken. Nevertheless, the facilitators brought it to the attention of the participants that one of the labour hire companies has taken the State to court over the ban, alleging that the ban violates their constitutional right of “freedom of trade” and the related right to practice any profession or trade in Namibia. The participants were also divided in groups where they discussed and made presentations on labour institutions in the New Labour Act, referring to the powers, functions and appointment of the members in these institutions or committees.

Assessment and Evaluation

The participants were requested to write a pre-test at the beginning of the workshop and a post test at the end of the course. The results showed that a significant number of the participants have improved their knowledge during the workshop gauged against the result of pre-course assessment which was given at the beginning of the workshop.

On the evaluation form which the participants were requested to fill in, they indicated that the course was relevant, educative and necessary. The participants also appreciated the participatory manner which the workshop was conducted. They also suggested that the workshop should be extended to 5 days to be able to cover all chapters in depth. In addition, they felt that more days will also allow for more group work and exercises (e.g. role play) to make it more practical at their workplace. The participants indicated that that they will share the knowledge gained with their fellow workers upon their return.

Other comments

Participants have emphasized that there is a need to have an intensive training on the Social Security Commission Act. Some of the participants requested that the training should be taken to the branch level, rather than regional or have their regional leaders trained in order to carry on training regularly. The participants also suggested that in future certificates of attendance should be issued so that they can have proof of having gone through the training and also present the copies to their employers.

Windhoek, June 15 2008

John Nakuta, *Facilitator*