

Committee on the Application of Standards

Date: 24 May 2023

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 22 May 2023.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Namibia (ratification: 1949)

Right to Organise and Collective Bargaining Convention (No. 98)

The Government has provided the following written information.

Articles 1 and 2 of the Convention. Protection in practice against acts of anti-union discrimination and interference. The Government of Namibia is committed to the protection of workers against any discrimination in the world of work. The Ministry of Labour, Industrial Relations and Employment Creation has been embarking on a multimedia education and awareness campaign namely #KnowYourLabourLaws. Roadshows were conducted in all the 14 political regions during the 2022–23 financial year. The team engaged the public by providing information related to the laws administered by the Ministry. This is one of the activities that educated the public on labour and employment laws, including the protections against acts of anti-union discrimination and interference. Apart from the roadshows, the Ministry hosted radio interviews in local languages and on national television's various programmes such as Good morning Namibia. During the financial year 2022–23 the Ministry's officials and the Minister appeared on the Government Information Centre hosted by the Ministry of Information, Communication and Technology and provided information to the public and social partners and responded live to question posed. In addition, the Ministry, in collaboration with the ILO, arranged a capacity-building session in November 2022. The aim of the training session was to capacitate arbitrators on how to handle discrimination, violence and harassment disputes effectively. All arbitrators were fully capacitated and are ready to deal with discrimination disputes, including disputes relating to anti-union discrimination acts. In terms of the statistics concerning the anti-union discrimination acts reported to the authorities and the decisions taken in this respect, no cases were reported to the authorities, hence, no statistics available.

Article 4. Recognition for the purposes of collective bargaining. The measures taken of amending the Labour Act, 2007 (Act No. 11 of 2007) and the retention of the principle of majoritism are appropriate to national conditions. The amendment will allow a group of registered trade unions to be recognized as an exclusive bargaining agent provided they

represent 50 per cent of workers in a given bargaining unit for the purpose of negotiating a collective agreement on any matter of mutual interest. Once the labour law reform process is completed and the Bill is signed into Law, a copy of the new legislation and copies of collective agreements under the new legislation will be made available.

Collective bargaining of trade union federations and confederations. The amendment of the Labour Act is at an advance stage and the ILO will be updated on the status.

Articles 1 and 4 of the Convention. Adequate protection against anti-union discrimination and promotion of collective bargaining in export processing zones (EPZs). The #KnowYourLabourLaws which is a national campaign, was conducted in all 14 regions, thus employees employed in the EPZs benefited from the education and awareness campaign. The Government will continue with the education activities in all economic spheres, including EPZs, as per the Ministerial Annual Plan of 2023–24.

Article 6. Rights of prison staff. The finalization of the amendment of the Labour Act is crucial to the Government. It is important to highlight that the proposed amendment will, in addition to the right guaranteed under the Convention, provide the prison staff (Correctional Officer) to enjoy all the rights enshrined in the Labour Act and in all ILO Conventions which Namibia has ratified. Any new development on the amendment to the Labour Act will be forwarded to the ILO as part of an update on progress.

Finally, the Government of the Republic of Namibia will continue to protect the right to organize and to promote orderly collective bargaining through the existing programmes.