



REPUBLIC OF NAMIBIA

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## MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

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**RESPONSE BY HONOURABLE ERKKI NGHIMTINA, MINISTER OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION ON QUESTIONS RAISED BY HONOURABLE E J DIENDA.**

**Question 1: How many civil servants are paid up members of NAPWU? What percentage of civil servants does that constitute?**

**Answer:** The Ministry does not keep records of Trade Unions paid-up membership in as much as it does not require Trade Unions to submit such information. To do so it might conflict with ILO Convention 87 which Namibia is a party to.

**Question 2: How many civil servants are paid up members of NANTU (Namibia National Teachers Union)? What percentage of civil servants does that constitute?**

**Answer:** The Ministry does not keep records of Trade Unions paid-up membership in as much as it does not require Trade Unions to submit such information. To do so it might conflict with ILO Convention 87 which Namibia is a party to.

**Question 3: Is it permissible for the Ministry to halt stop orders for any civil servants who resign or terminate membership from a particular Trade Union? If so, provided wrongdoing can be proven, what action will be taken against ministerial staff guilty of such misconduct.**

**Answer:** Honourable Dienda, Section 65 of the Labour Act, 2007 provides as follows:

*(6) An employer must stop deducting a fee due to a registered trade union within one calendar month of being notified in writing that the employee concerned has withdrawn the authorisation referred to in subsection (2)(a).*

Stop orders are implemented on the request of an employee or through his or her authorised union official. Similarly, to stop it, the employee concerned should do that in writing by cancelling it. A verbal statement that one has resigned is not enough. Further Trade Unions Constitutions also specified the procedures to be followed by their members in this regard.

The issue you are raising is an administrative one and we are unaware of the alleged situation that you have raised in your question. I do not presuppose that misconduct is involved. However, you appear to assume that stop orders are processed on a Ministry-by-Ministry basis. That is not the case. Trade union deductions are handled through the Ministry of Finance as a payroll issue for the whole of the Public Service. I therefore, suggest that you direct those on whose behalf you are asking this question to the Ministry of Finance.

**Question 4: In the last two years, has the Ministry entered into any written agreements with either NANTU or NAPWU relating to an increment for public service employees? Should the answer be in the affirmative, can such agreement(s) please be provided to this house.**

**Answer:** Negotiations between the Government and Trade Unions are conducted by a delegated Government Negotiation Team and Trade Union Office Bearers. If agreement has been reached then the parties sign it just as they did yesterday. The Ministry of Labour, Industrial Relations and Employment Creation does not enter into agreements with Trade Unions on behalf of the Government at all in this regard. Such agreements are between the Office of the Prime Minister on behalf of cabinet and the recognised trade Unions.