

NATIONAL ASSEMBLY

NAMIBIA

Motion by Hon LN Iipumbu NEFF



23/04/2024

“Motion to discuss and engage in a constructive dialogue with regard to the prevailing labour hire practices in Namibia and come up with solutions to the exploitation of workers in the country”.

Honourable Speaker, esteemed members of the National Assembly,

I rise today to bring forth a motion that addresses a pressing concern plaguing our nation which is the exploitative nature of the labour for hire system as well as motivating what I consider to be the interventionist strategies to rid our people from the exploitation of corporates. I submit this motion well aware, of difficult it has been for Namibia and for the Namibian to be freed from the chains of corporate slavery which continues until this day.

I also bring this motion well aware that there have been many attempts to get rid of labour hire in Namibia, which attempts this motion will not seek to water-down.

Honourable Members

Namibia finds itself in the unfortunate predicament where a select few politically connected individuals and established corporations engage in the sale of labour to multinational giants such as Shoprite, Checkers, Choppies and others. But before I get deeper into the core of this motion, it is imperative to recognize the historical context of this issue. In the pre-colonial era, labour for hire resembled nothing short of slavery. Individuals were subjected to commercial transactions where their labour was sold to plantation owners without proper compensation or regard for their dignified livelihoods. The abolition of slavery forced this system to evolve into contractual labour for hire, where workers were seemingly compensated for their services.

Indians

However, the essence remained unchanged – individuals were bound to contracts that commodified their labour for the benefit of powerful institutions, reminiscent of slavery by other means.

Honourable Members...

Our nation's struggle for independence in the 60s, 70s, and 80s was fuelled by the vehement opposition to this exploitative system. It was the commodification and exploitation of the masses for the enrichment of white monopoly capital. Recognizing the inherent evil of labour for hire, Namibia implemented safeguards to eradicate it from our economy. However, recent developments have regrettably led us back to square one. The government's allowance of foreign companies as well as a few of our own politically connected people to engage in unfair contracts with our masses is unacceptable. The rejection of this practice must come from all of us, despite our political creeds and affiliations. It should not be a matter of politics of cheap political goal scoring. It is evident that these "contracts from hell" strip workers of their rightful dues, leaving them without essential benefits such as pension, medical aid, housing, and transport allowances. It thus is incumbent upon us, as representatives of the people, to address this injustice collectively, and I call upon you to support this motion without political prejudice.

It is our duty as law makers to judiciously examine how we can shield our people from exploitative labour for hire contracts and hold giant corporations accountable for the well-being of our workers. Progressive interventionist strategies must be devised to ensure that labour for hire companies prioritize the welfare of individuals over profits, and this motion saves to share with you those highlights. The contractual clauses between the working people and labour brokers have created the reality of ownership of human beings as resources and chattels to not only be exploited, but to be told when and when not to exercise their rights. In March of this year, Employee Placement Services of Namibia (EPSN) which is owned by one Swapo member by the name of Gotty Ndjendjela suspended several of its employees who took part in a protest organized by the Namibia Economic Freedom Fighters (NEFF). In total, 84 employees were suspended. In response to this action, EPSN's owners, represented by Mr. Ndjendjela, said that the suspension was not a punitive measure solely for participating in the protest. Instead, he said, it was due to the employees' departure from their duty stations without obtaining permission from the company. In other words, he said, "You had no right to express your concerns without my express permission." Now, this is one great setback of labour brokers in our country.

Honourable Members...

Namibians do have a right to protest any injustices perpetrated under the Namibian constitution. It is a right enshrined in our constitution and indeed a right which many died for. It is not lost to us that while employees have the right to participate in protests and express their opinions, adherence to company policies, including obtaining permission for leave of absence from duty stations, is also crucial. But when a company is in the business of paying peanuts to its labourers, and does very little to secure fringe benefits for the same people, then proceed to stop them from expressing themselves through protest, this is slavery at best. I call upon this house to provide direction on what must constitute a fair contract when labour brokers are getting into contractual agreements with our people.

I so submit because if we are to stay away from the provisions of these contracts, and leaving that task to lawyers and the labour brokers themselves, we are setting our people up for exploitation. The majority of our people who work for these labour hire companies are illiterate and therefore may not understand the extents to which their rights are being curtailed in contracts. In 2023, the Namibian Sun reported that over 250 employees contracted through the same Tsumeb politician-and-businessman Gotty Ndjendjela's recruitment agency said their employers had no regard for human dignity. Again, this is protected by our constitution. I call upon this house to deliberate on how best we can regulate how much labour brokers must deduct from our working people when their wages and salaries are due.

My submission is motivated by the fact that these labour higher companies are taking too much from our people every month, making the business of selling labour more about profits than sustainability. In 2021, the New Era Newspaper reported that employees at Choppies worked 12 hours without overtime, and six days a week, without any Social Security benefits and without payslips. The paper also reported that employees were earning as little as N\$9 per hour, while capitalist Gotty's slave labour company was paying them N\$7.50. I am aware that we are still working on a basic minimum wage but in the purview of labour brokers, Honourable Members, I submit that this house must deliberate on how we can regulate the money they can deduct workers.

The fact is that, a majority of workers who are suffering in retail outlets are those who have been forced out of desperation to enter into slavish contract with labour hire companies.

In 2023, the NBC reported that over a hundred employees of Rundu Cash and Carry were left without jobs after they participated in a demonstration in December over allegations of unfair treatment and low wages. What is also critical in this labour space is to regulate the contractual obligations between the ultimate employer and the labour broker or the recruiting agency. I submit that we deliberate what should constitute the duties of the employer or the ultimate recruiting company because the nature of labour brokerage is that it exempts them from giving medical aid, and a host of other fringe benefits. If labour for hire is to be allowed to exist, both parties must deliberate on who should shoulder this responsibility, either the agency or the ultimate recruiting company. Without these preconditions, a contract must not be allowed to see the light of the day, otherwise we will be setting our people into a contractual death trap wherein they have very little to benefit.

Honourable Members...

I move that we all support this motion for the collective good of our people, for Sanity to prevail in the labour market and for the restoration of the dignity of our people. Finally i move that this assembly adopt this motion.

I so submit.