



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

No. 306

2024

CODE OF GOOD PRACTICE FOR LABOUR INSPECTORS: LABOUR ACT, 2007

In terms subsection (2) of section 137 of the Labour Act, 2007(Act No. 11 of 2007), I give notice that, after consultation with the Labour Advisory Council, I have under subsection (1)(a) of that section issued the code of good practice for labour inspectors as set out in the Schedule.

U. NUJOMA

**MINISTER OF LABOUR, INDUSTRIAL
RELATIONS AND EMPLOYMENT CREATION**

Windhoek, 9 October 2024

SCHEDULE

CODE OF GOOD PRACTICE FOR LABOUR INSPECTORS

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Definition

1. In this Code a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates “the Act” means the Labour Act, 2007 (Act No. 11 of 2007).

Purpose of Code

2. The purpose of this Code is to –
 - (a) serve as a guideline for establishing credible ethical standards and consistently professional behaviour expected of labour inspectors;
 - (b) set out the standards of good practice, ethics and other obligations that govern the profession and conduct of labour inspectors tasked with legal duties of enforcement of the law on basic conditions of employment and occupational safety and health; and
 - (c) act as a guide for labour inspectors of what is expected of them as public servants and ensure a high degree of professionalism, respect, neutrality and integrity when performing their duties.

Objectives of Code

3. The objectives of this Code are to –
 - (a) represent a commitment that labour inspectors will at all times act with professionalism, respect, neutrality and integrity when performing their duties;
 - (b) define acceptable patterns of behaviour and promote high standards of practice;
 - (c) provide the basis for increased influence to achieve safe, healthy and decent standards of work and compliance; and
 - (d) inform the members of the public of the ethical behaviours they should expect from labour inspectors.

Application of Code

4. This Code applies to all labour inspectors appointed under section 124 of the Act.

Fundamental principles

5. (1) The standards of conduct and other obligations set out in this Code are based on these fundamental principles –

- (a) the consistent courteous provision of services towards the public and other government officials irrespective of personal traits or occupational status;
- (b) high premium placed on punctuality, faithful and compassionate observance of appointments with employees, employers and other officials, prompt handling of correspondence, labour inspections and investigations with integrity, neutrality and objectivity be maintained and observed;
- (c) to maintain a good reputation of labour inspectors and to conduct enforcement with honesty, transparency, firmness and accountability; and
- (d) jealously guard one's independence of action by not accepting favours from customers, which could influence decisions and be construed as constituting bribery or allowing to be influenced by outside forces.

(2) This Code requires the dedication of labour inspectors to the values enshrined in professionalism, transparency, equality, impartiality, integrity, confidentiality, respect and responsiveness.

Authority of inspectors

6. Subject to section 125 of the Act, a labour inspector generally has the following authority –

- (a) to ensure compliance with the Namibian Constitution, the Act and other relevant laws, International Labour Organisation Conventions, the Labour Inspection Convention, 1947 (No. 81), International Labour Standards, monitoring and enforcement;
- (b) to protect workers' rights and foster a safe and healthy work environment;
- (c) to advise employees and employers of their labour rights concerning the basic conditions of employment as well as Regulations relating to the Health and Safety of Employees at Work published under Government Notice No. 156 of 1 August 1997 through advocacy and enforcement;
- (d) to conduct workplace inspections, including inspections of the records and returns that employers are obliged to keep in terms of section 130 of the Act;
- (e) to investigate all labour complaints made by employers or employees and enforce compliance with labour legislation;
- (f) to provide technical information and advice to social partners and other stakeholders on their obligations and rights in terms of conditions of employment and their welfare; and
- (g) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

Professionalism

7. A labour inspector must –
- (a) maintain a high level of professionalism in official conduct and correspondence to uphold the Ministry's values and good reputation;
 - (b) refrain from favouritism when carrying out work-related activities and never abuse his or her authority;
 - (c) adopt a culture of self-assessment and evaluation in carrying out his or her job responsibilities to improve service delivery;
 - (d) carry out his or her duties without fear or favour and be accountable to the guiding law and principles; and
 - (e) strive to continually acquire skills, knowledge and the right attitude as competencies needed to keep abreast with developments in this field of work.

Transparency

8. A labour inspector must –
- (a) ensure understanding through open and honest communication, by respecting facts and open dialogue during inspections, investigations and complaints resolution;
 - (b) conduct himself or herself in a manner that enhances and maintains the confidence of the public in the transparency of the labour services; and
 - (c) refrain from unethical or corrupt behaviour and openly guide and educate the public, employees and employers on issues leading to harmonious labour relations.

Equality

9. A labour inspector must –
- (a) value inclusivity and dignity for all, and observe and take action to eliminate unfair practices through legal avenues;
 - (b) carry out his or her duties with respect, courtesy and appropriate consideration for all persons who support equal treatment and value diversity;
 - (c) dissociate himself or herself from discriminatory comments or acts that are racist or sexist in violation of the Namibian Constitution;
 - (d) take reasonable measures to equally and fairly accommodate all parties during inspections, investigations or mediations to promote equity; and
 - (e) refrain from conducting himself or herself in a manner that is corrupt or prejudicial to any party.

Impartiality

- 10.** A labour inspector must –
- (a) be honest in the provision of advice and relevant information;
 - (b) conduct services free from prejudice, with uncompromising fairness, objectivity and ethical principles; and
 - (c) show impartiality throughout all his or her dealings with clients and members of the public.

Integrity

- 11.** A labour inspector must –
- (a) be committed to building ethical and trustful relationships with all stakeholders through responsible and honest relationships;
 - (b) exercise diligence in his or her operations to maintain a good image and build community trust and confidence in government services without fear of reproach;
 - (c) be in a position to identify conflicts of interest and refuse any compliment gesture or advantage that could be construed as inhibiting the performance of official responsibilities; and
 - (d) maintain optimum standards of compliance with local and international stakeholders.

Confidentiality

- 12.** A labour inspector must –
- (a) uphold the confidentiality of matters, documents, discussions and information of customers and divulge it only to authorised persons who need to be informed in the interest of resolving a case;
 - (b) preserve and be discreet in dealing with sensitive information in respect of customers and respondents or their enterprises;
 - (c) refrain from intentionally using confidential information obtained at work for personal gain or other benefits; and
 - (d) ensure safety and protections of all humanity.

Respect

- 13.** A labour inspector must –
- (a) take pride in appreciating different views of people from all walks of life and the significance of their expressions in applying human rights principles;
 - (b) act with tolerance, kindness and open mind, and guard against biasness in the provision of services and decision making; and
 - (c) act without malice and avoid abuse of power.

Responsiveness

14. A labour inspector must –
- (a) respond promptly to calls of duty, without discrimination based on race, background, affiliation or status;
 - (b) respond to diverse needs of customers in timely manner; and
 - (c) strive to uphold the vision of the Act.

Public expression and association

15. A labour inspector must refrain from making public comments or giving opinions to the prejudice of the administration of the Act and the Ministry.

Misconduct

16. A labour inspector who contravenes or fails to comply with this Code commits an act of misconduct as contemplated in section 25 of the Public Service Act, 1995 (Act No. 13 of 1995) and must be dealt with in terms of that Act.

Review period

17. This Code must be reviewed every five years.
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