



REPUBLIC OF NAMIBIA

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

For **Immediate Release**; 19 April 2022 – Windhoek

NON-EXCLUSIVE BARGAINING AGENTS VISITING WORKPLACES

The Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) has noted with a concern about the flooding of non-exclusive bargaining agents at different workplaces. This Ministry being the custodian of labour laws advocates for social dialogue amongst the tripartite in solving labour matters amicably and ensuring a post safe working environment for the employees.

The Labour Act, Act No. 11 of 2007 which is one of the laws that regulates the Namibia labour market makes provisions for the establishment of the trade unions to deal with the matters of collective bargaining. The same Act gives a clear distinction of an "authorized representative" i.e. any person authorized to represent a **registered** trade union or any office-bearer or official of a trade union or employers' organization."

The law is very clear that an employer **must not recognize** a trade union as an exclusive bargaining agent in terms of the Labour Act unless such is registered with the Labour Commissioner and represent the majority of the employees in the bargaining unit. Owing to what the law says, the Ministry is not mandated and thus cannot dictate to employers whether to deny or allow access into their premises the non-exclusive bargaining agents or let alone engage them, if their primary purpose of going to the workplace is to negotiate a collective agreement on any matter affecting the employees.

However, the Ministry is rather advising the employers, employees and the aspiring exclusive bargaining agents that anything which is contrary to the law becomes illegal and may lead to legal implications if one party decides otherwise.

Experience has proven the importance of exercising caution in dealing with labour matters by all means. Contrary to that defeats the purpose of effectively mitigating labour disputes and has the potential to undermine the legally established avenues for systematic prevention and resolution of labour disputes and the promotion of harmonious labour relations in the country.

It should be a responsibility of every caring citizen including those who claim to have interest at heart of workers to ensure that they assist within the provisions of the law. The harmonious labour relations that the country strives to have can only be attained and maintained by lawful parties, acting in accordance with the law through handling of labour matters in an orderly manner.**THE END...**

Signed by :


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