



REPUBLIC OF NAMIBIA

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

REMARKS BY HONOURABLE ERKKI NGHIMTINA,

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**DURING THE HIGH LEVEL BRIEFING WORKSHOP ON ILO CONVENTION NO.190 AND
RECOMMENDATION NO. 206**

WINDHOEK COUNTRY CLUB, 27 FEBRUARY 2020

Co-Directors of Proceeding

Deputy Minister

**Executive Director of the Ministry of Labour, Industrial Relations and Employment
Creation**

Representatives of the International Labour Organization

Our Social Partners, the Namibian Employers Federation and the trade unions

**Representatives of Government Ministries, State-owned enterprises, businesses, civil
society**

Media Practitioners

Ladies and Gentlemen

As I prepared for this important gathering, I asked myself two questions:

Number One: “Is respect for the dignity of human beings a key feature of Namibia’s
World of Work?”

Number Two: Why is there so much interest within our Ministry, within Government
and among our Ministry’s stakeholders and the media about ILO Convention 190 on the
Elimination of Violence and Harassment in the World of Work and its supplementary
recommendation 206?

On the question of dignity: I want to remind you of *Okaholo*, an Oshiwambo term used to refer
to the contract labour system. *Okaholo* was a metal tag with a number that was hung with string
on the neck of every worker who went on contract. The number was the system’s identification
of the worker and his destination to an employer. The worker’s name was irrelevant. His family
that he left behind was irrelevant to the system. He was merely a commodity. His destination
was a world of work that was abusive, cruel, oppressive and racist.

Namibia’s struggle for Independence had as its aim to restore the dignity of the Namibian
people. The Namibian Constitution, proclaims in its preamble:

*"Whereas recognition of the inherent **dignity** and the equal and inalienable rights of all
members of the human family is indispensable for freedom, justice and peace;*

*Whereas the said rights include the right of the individual to life, liberty and the pursuit of
happiness, regardless of race, colour, ethnic origin, sex, religion, creed or social or economic
status; . . .*

Whereas these rights have for so long been denied to the people of Namibia by colonialism, racism and apartheid;

*Whereas we the people of Namibia - have finally emerged victorious in our struggle against colonialism, racism and apartheid; are determined to adopt a Constitution which expresses for ourselves and our children our resolve to cherish and to protect the gains of our long struggle; desire to promote amongst all of us the **dignity** of the individual and the unity and integrity of the Namibian nation. . . .”*

Is the dignity of every individual that is guaranteed in our Supreme Law respected in practice in the World of Work?

In the past year alone, Namibia’s media reported stories of: a female security guard in the North who was raped by a customer while at work; a welder in Windhoek who was chained by his foreman and padlocked to his work station; and the CEO of a large company who resigned after being charged with the sexual harassment of female employees. A video trended on social media recently that showed a white supervisor in a retail store in Gobabis assaulting in front of other employees. We hear reports of racist or ethnically-based verbal abuse, bullying and of working environments where sexual harassment is prevalent. Our preliminary research, in a study that will be launched this morning, indicates that more than sixty percent of the women and men interviewed are of the opinion that sexual harassment at the workplace is a reality for most Namibian women. These are just examples. It appears that many of these problems do not come out in the open because workers may be afraid to report them.

Violence and harassment can be found in every country in the world, in varying forms that are related to the changing dynamics of international and national labour markets.

In June 2020, the International Labour Conference adopted the path-breaking ILO Convention 190 and Recommendation 206 on the Elimination of Violence and Harassment in the World of Work. At the conference, Namibia was active and vocal in its support for the adoption of the new international labour standards.

At the heart of the Convention is the recognition of the inherent dignity of every person in the World of Work.

This includes employees, employer representatives, interns, volunteers and third parties, such as contractors, suppliers, customers, students, and patients, whether in the formal or informal economy, in both urban and rural areas.

The Convention guarantees that every person has the right to be free of violence and harassment in the world of work. It defines the term “violence and harassment in the world of work” as

“a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.”

The term gender-based violence and harassment means:

“violence and harassment directed at persons because of sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexually harassment”.

Yes, we must recognize that Namibia is not free from violence and harassment in the world of work, including gender-based violence. These are threats to human rights, to equality and non-discrimination and to the health and well-being of workers. Of equal importance, violence and harassment impacts negatively on the reputations and productivity of all enterprises and institutions, the profitability of our businesses and the relations among people at work and in the community. As we plan also for the future of work, we must consider how to prevent violence and harassment in relation to new industries and new technologies.

We have come here today to begin the discussion of how we can attack these challenges head on.

Esteemed ladies and gentlemen

The Ministry of Labour, Industrial Relations and Employment Creation asked the ILO to conduct a High-Level briefing for our stakeholders on Convention 190 and Recommendation 206 as part of our efforts to achieve ratification of the Convention at the earliest possible date.

When our Parliament votes to ratify an International Convention, it becomes part of Namibian law by virtue of Article 144 of the Namibian Constitution. Therefore, we need to unpack the meaning of Violence and Harassment in the World of Work, including the impact of domestic violence, and to understand fully what will be Namibia’s obligations if it ratifies the Convention.

The ILO experts will explain to us what will be required of employers, employees, national Government, local authorities and all who interact with the World of Work. We have also invited Namibian institutions and organisations to relate to us first-hand their experiences with violence and harassment.

I am happy to inform you that, in accordance with Namibia's Constitutional Principles of State Policy, our Ministry and the Social Partners have begun the long process of implementation of the Convention and Recommendation even before ratification. Among other things:

- a tri-partite plus workshop reviewed the provisions of the Convention and Recommendation to understand their implications for Namibia and agreed unanimously that Namibia should ratify the Convention;
- our Ministry has established a management level working group on Violence and Harassment;
- the Tri-Partite Task Force that is currently reviewing the Labour Act, 2007 is developing amendments that will incorporate the rights and duties that are contained in the Convention.
- the tri-partite Labour Advisory Council decided last week to recommend to the Minister that the Convention be ratified.

In accordance with established procedure, I will next send the Convention to the Attorney-General and later to Cabinet with a view to obtaining approval to approach Parliament for ratification at the earliest possible date.

Esteemed Ladies and Gentlemen

This is a beginning. Achieving the goal of a Namibian World of Work free from violence and harassment is a complex and many-sided project. I think that we need to form a dedicated tri-partite plus task force to oversee the implementation of the new international labour standards. Let us listen intently to the briefing that we will receive today. I thank the ILO and the other institutions represented on this programme for their enthusiastic participation.

Let us work together to create the Namibia that we want. Let us work tirelessly and continuously to adopt and maintain the norm of dignity and respect in Namibia's World of Work.

I thank you.