

**“When you can’t deal with those feelings anymore...” On labour disputes, strikes and mediation in Namibia**  
**By Katrin Ogunsade & Nolito Marques**

**Mod. Announcement:**

Welcome to today’s program on labour conflicts and mediation in Namibia. This program is a co-production between Deutsche Welle, the German International Radio and TV Station and the Namibian Broadcasting Corporation. The narrator is Nolito Marques.

**Clip / Intro:**

Radio tuning / news clips on strikes / Music: Unemployment Tears by Ras Sheehama (Ras Sheehama traveling DC-A 0005) / workers freedom songs

**Mod.:**

Workers singing freedom songs at a recent strike in Windhoek, the capital of Namibia. Although many of them were carrying arms such as the cane-like weapon called knopkierie, pangas and shovels, the atmosphere was not as threatening as it seemed. None of them became violent but that those workers felt very unhappy was quite evident in the slogans and banners claiming “Fairness!” and “Give us our money!”

Sound effect strikers shouting “viva the workers – down 8 % down!!!” – mixed with freedom songs

For most of the labourers in this country situated in the south-western part of Africa a strike is a way of forcing the employer to yield to their demands. In most strikes as in many parts of the world workers generally demand better wages and working conditions.

**Clip / street -vox pop / reason for strikes:**

(Herero speaking man)

“People receive very low salaries. This leads to strikes as we’ve seen at the TCL mines.”

(Afrikaans speaking girl )

“Sometimes we work at a company for a long time and sometimes they don’t want to pay us, or they insult you, you won’t say anything but keep it to yourself and later you can’t deal with those feelings anymore and you have to let them out”

(Nama speaking man)

"Our father, the president, Sam Nujoma, should come, so that we can discuss these problems"

(English speaking woman)

"They was very shouting us, shouting, there is one of the management they cannot listen to a worker. They didn't listen any time to a worker. If they see things, they think it is right and we must agree with it. There was no communication between the management and the workers."

**Mod.:**

The Namibian Labour law is very specific about the rights of workers and employers. It is illegal to agree to a contract if it offers conditions lower than those stipulated in the law. In practice this seems to be far from the truth.

Strikes in Namibia have in most cases taken the form of protests, stay-away-actions, and very rarely violence - all with the aim of interfering with the normal production or activities of the employer. The manager of a huge supermarket group with several branches in the country describes his view of what happened to his business when more than a 100 employees brought the business to a standstill in a strike in October 2001.

**Clip / Jesco Woermann:**

"Some of the workers, it was around over a 100 workers in total at the end of the day, some of them decided one morning, it was a Friday morning, to stand in front of our main shop in Independence Avenue and refuse entry to anybody and everybody. They threatened customers and the stuff that was still working to leave the premises or not enter these premises any longer. They couldn't do their shopping here, this shop was closed it was on strike. They have been all dismissed subsequently."

**Mod.:**

As some of the workers told us, they were walking out in protest against a two-week suspension, without pay, imposed on some of their colleagues for refusing to carry out stocktaking after normal hours.

In many cases workers were dismissed after taking part in strikes. But if retrenchment is often the outcome of labour action such as we've just heard why do Namibians still resort to strikes as an answer?

Although the labour law is based on the principles of mediation workers still opt to launch strikes claiming that their employers are unwilling to negotiate or change their attitudes. In the same vain employers often accuse the labour unions who represent the workers interests of having no negotiating skills.

But to understand labour disputes and strikes in Namibia one has to revisit the country's past.

**Clip:**

Radetzky Marsch Strauss, African sound, strike sound

**Mod. (on sound):**

In 1884, when Namibia then known as South-West-Africa became a German colony, the country experienced its first strike at a mine near Otavi in the north of the country. From 1915, when the occupation by the neighbouring country South Africa started, various strikes took place. Most of them were linked to the fight against the oppressive regime, called "apartheid".

In the late 1960s there was a lull in industrial strife, but by 1971 the Apartheid regime was challenged by the biggest strike in the country's history.

Strike sound up

**Mod. (on sound effects):**

Between (13 December) 1971 and (20 January) 1972 approximately 20.000 migrant black workers brought the mining industry to a halt and seriously interrupted the communications and transport systems, commercial operations and rural production. The protest actions were a direct attack on the system of migrant-contract labour that was in use in Namibia. These labour actions were known as the "Ovambo strikes". Large numbers of the main ethnic group, the Oshivambo speaking people from the north of the country were involved. They also enjoyed the full support of the Rukavango and Oshierero speaking people.

Strike sound, shooting, windows breaking, police car

**Mod. (on sound effects):**

Mass-arrests of striking workers took place and detainees were kept in concentration camps, while South African troops opened fire on Ovambo people as they left a Church mass at Epinga in the north of the country. Four were shot dead and four wounded, two of whom later died in what has become known as the 'Bloody Sunday' massacre. Although the strikes were eventually quelled by force, workers did receive small gains in wages and working conditions.

Two years after Namibia gained its independence in 1990 the labour law was passed in parliament replacing the existing and out-of-date South African laws. This radically changed the rights of workers and employers. A few of these improvements include better and safer working conditions, the right to union representation and fair mediation in labour disputes. For many workers and employers adapting to this new system has not gone without teething problems.

Even though Namibia has been an independent country for more than 12 years, workers often still accuse employers of harbouring the old apartheid mentality, meaning that their working conditions are extremely poor, they earn low wages and are treated unfairly and even discriminatory.

**Clip / woman on apartheid:**

"We had the apartheid legacy with people, you know, some other people wanted to construct themselves as the boss and the rest as servants, which is really not a good thing, you know. We know people worked all those years as contractors without having proper salaries, no shelter, nothing... But it is really a matter of human rights, if I might say so, to have things such as a house, ... no - not higher salaries – but you know just a fair type of thing."

**Mod.:**

According to Dr. Henning Melber, who is a political analyst, and the current Research Director of the Nordic Africa Institute in Sweden, the past struggle against an oppressive system is indirectly linked to the strikes that are experienced today, even though the apartheid's chains have been broken.

**Clip / Henning Melber:**

"There are several aspects that might contribute as explanatory factors. One of them is that the Namibian labour union movement, the organised labour movement, has a very long militant tradition. For reasons that to some extent are also rooted in the apartheid system. And one of them was the

strike which then normally was considered to be illegal. There was no tradition of negotiating solutions. It was the either - or. You either were the victim, or as a victim you turned the ultimate weapon you had against the perpetrator, that was going on strike risking not only your employment, in many instances you risked to be arrested. Some people even risked their lives for militant labour action."

**Mod.:**

In the past 5 years Namibia has experienced a rough estimate of 80 legal and illegal strikes. Illegal strikes are labour actions that have not followed the prescribed procedures as determined by the Labour Law. These strikes have occurred in various sectors such as Mining, Agriculture, Fisheries, Retail, Manufacturing, Health, Education to name but a few. For most Namibians the strike that comes to mind was the TCL mine strikes in 1997 when workers at the mines in Tsumeb in the north of the country downed their tools.

**Clip / radio tuning / TCL-strike news :**

"In front of the entrance of the mine it appears that everything came to an halt at both the mine and the administrative building. Although the workers are on strike no sign of hostility could be observed. Some of the workers are carrying traditional weapons such as pangas, knopkieries and even bows. It is believed that the strike will cost the mine millions of Dollars. Effort to get comment from the mine management was fruitless."

**Mod.:**

Many strikes flow from unfair treatment or dismissals, but many of these cases are never challenged. These workers simply loose their jobs as do many strikers and are left struggling to find another job or face utter poverty.

**Clip:**

**Music short: Unemployment Tears by Ras Sheehama**

**Clip:**

**Katutura sound effects / street noise, people talking, house, children, chicken**

**Mod. (on sound effects):**

27 people share this small 4 room shack in a suburb of Windhoek called Katutura. Outside, between rusted iron roof sheets against the cold

Namibian winter, small scantily dressed children are waiting for their meal of porridge which is cooked on an open fire, while they shoo away chickens. They will have the same meal of porridge in the afternoon and at night, and most probably for the rest of the week.

Most of these people have no other place to stay and are jobless. In this household only two people work and support the other 25. There is no electricity. According to a 55 years old worker who rents a single room for his family he used to struggle feeding and schooling 7 children with a meagre salary of only 700 Namibian Dollars per month, which is roughly 70 EURO. He and his wife have recently been fired after working at a guest farm near Windhoek for 22 years. They were dismissed for refusing to work a full day on a national holiday, on Independence day. They now have no other income to support their children.

**Clip / Jacobus Engelbert / Afrikaans:**

"I couldn't make ends meet. We spoke about salaries which was also a problem. But the farmer said if you are not satisfied with the salary, then you can go. We could hardly survive but we had no choice. I gave the 700 Dollars to my children and I was left with nothing. This was the problem. When the school closed my children were left waiting outside the hostel. I struggled to fetch my children although the employer could have provided transport. But if he said no I could not go and pick them up or he would fire me."

**Mod.:**

This farm worker who we protect by keeping his identity anonymous is but one of many Namibians who face a similar fate. These people have no other source of income and depend on friends or family to help them financially until they can find other work. The state does not provide for an unemployment benefit.

**Clip / Damara speaking woman Maria Garises:**

"The hotel management has retrenched me. I am left without income and now I look after my children at home. I am very angry with the hotel management for sending me home the way that they did. But everything is in the hands of God and we'll see what happens."

Namibia is twice as large as Germany, but has a small population of about 1,8 million people.

The population is mixed and consists of more than 10 different ethnic groups. With an unemployment rate of about 40%, finding employment is very difficult. In research carried by the Labour Resource and Research Institution, or LaRRI, an average of 6 to 8 people survive on one workers income. According to Alfred Angula from the farm workers union some workers in the agricultural sector tend to fall into criminal activities.

**Clip / Alfred Angula:**

“Now some of the workers have been remunerated or paid out a total about 150 and some up to 200, 500. To us: how can a person live with 200 or 500, even a 1000 you can make not a man’s living. Now we talk about crime in agriculture: stock theft, people are beating each other. These are the main contributing factors to the criminal activities in the agricultural sector.”

**Mod.:**

With the danger of retrenchment after a strike workers seem to be the most effected, but employers feel that both parties loose. In the business sector the employer loses production or income because of labour actions or disputes. The longer the strike drags on the higher the losses to the employer. According to the supermarket group manager workers do not realise that a strike also influences their next wage increase.

**Clip / Jesco Woermann:**

“Well, we definitely lost the two days worth of turn over and all the gross profit that goes with that. In addition to that quite a few customers were worried of coming to our shops subsequently to the strike because they were not sure was the strike finished now or was there still people being threatened? The strikers themselves don’t get paid for those few days where they don’t work but that’s the smaller of the evil. The bigger evil is that the business is upset the business will run in, possibly have losses for the year or the next two years which will also affect the potential of pay increases and improving of benefits to the staff.”

**Mod.:**

On a larger scale the Namibian economy is also effected by the number and duration of labour actions. As a loss of production is a loss to the country’s Gross Domestic Product. Yet the country is also effected by the rising unemployment figures.

Foreign companies are cautious to invest in a country where various labour problems are experienced. A strike - although a basic right to any worker - generally leads to a loose-loose situation. So what are the solutions to labour conflicts in Namibia?

### **Clip / music short: Sheehama Unemployment tears**

### **Clip / conference/ panel discussion NaDS:**

#### **Mod. (on sound effects):**

This is a panel discussion held recently at the Namibian German Foundation of Cultural Co-operation where Reconciliation issues such as Black Empowerment, Affirmative Action and Labour Politics were discussed. Affirmative Action is a system used in Namibia to ensure equal employment opportunities while Black Empowerment refers to creating better business opportunities for previously disadvantaged Namibians. According to Henning Melber the concepts of Affirmative action as a possible method to change fair employment practices has not really changed the lives of workers. He says that in the most cases employers are to blame for labour disputes.

#### **Clip / Henning Melber on affirmative action:**

“People are really really in need of jobs. And as we know from the stories you advertise fifty jobs and you find 10.000 people queuing outside the gate because they want to have one of the fifty jobs. Under these circumstances the companies find it very tempting to offer the absolute minimum wage and not a single Rand or Dollar more. Now that’s not the way it should be.”

#### **Mod.:**

The labour law sets out various procedures in solving conflicts through a three-party mediation system. This includes the workers, employers and trade or labour unions. Where no solution is found or the parties in the labour dispute can not reach an agreement the matter is often taken to a labour court where the issue is resolved. This form of solution means that one party loses while the other gains. In practice not all disputes or strikes are resolved, even though the strike is ended the matter may take several months or years to conclude in various court cases.

Although this system of mediation seems to work in some cases strikes still do take place. One of the main reasons for this is that it takes a long time to resolve labour disputes.

Panel discussion sound up

But not all Namibians feel that a strike is a solution and think that workers should be more involved in running the company.

**Clip / English speaking funny man:**

“Strike is sometimes necessary but – it’s like in our country - many of the times they aren’t necessary. They are more of political backed up things, I don’t know. If we could have our employees look at the books at the profits we make and all the stuff I think that would make a big deal. That would change a big deal in the minds of the employees.”

According to the Permanent Secretary of Labour, Kalle Schlettwein many Namibian workers merely use the procedures of the labour law as a stepping stone to launch a strike.

**Clip / Kalle Schlettwein:**

“People use the provisions for reconciliation and mediation just as stepping stones to eventually engage in industrial action. But obviously we feel that industrial action whether it is a strike or a lock out is the last resort because it is damaging to all parties. Workers go without salary, the employer loses production. The whole country is losing in fact. So it should really be treated as a last resort. But it is a right that is undeniable.”

**Mod.:**

Most labour disputes in Namibia do not necessarily end in strikes. With the country’s colonial past many workers are still unsure of their rights as employees. They are sometimes afraid to challenge unfair dismissals, and simply decide not to pursue the matter but hope to find other employment soon.

Some of the trade unions feel strongly that although they represent workers in conflicts, their main task also involves educating workers about their rights as Alfred Angula from the Farm Workers Union explains.

**Clip / Alfred Angula:**

“Our role is to make sure that we handle problems in such a way that it should be quick and make sure that both parties at the end of the day are happy. We would like them to see a process of both the workers and employers are educated. Educated in the matters of labour relations and make sure that procedures are followed not only to the advantage of one but to the advantage of both.”

Some of the Employers feel that communication leads to a better understanding between the negotiating partners, but have described the unions as lacking in negotiation skills and feel that they are troublemakers as Cuana

Angula from the Namibian Food and Allied Workers Union explains.

**Clip / Cuana Angula:**

“The Union has been perceived as troubleshooters from employers. But some of them do understand that the Union is a social partner in employment. So to prevent those kind of things we should try to work closely as social partners.”

**Music Sheehama Unemployment Tears short**

For the future Namibia has fine-tuned the Labour law with various amendments to include a system where a compulsory Mediation Board is formed to deal with conflicts before they lead to strikes. According to the Labour Permanent Secretary these mediation councils will speed up the process of negotiations.

**Clip / Kalle Schlettwein:**

“I’m referring specifically to the labour district court situation. It’s a winner-loser situation that is the outcome. We think that that should be changed. It should be a win-win situation that can be introduced through compulsory or obligatory reconciliation which ends in arbitration instead of court procedure.”

**Mod.:**

But there has been a change in this attitude with institutions like LaRRI and various labour unions which try to educate employers and workers on their rights. Herbert Jauch from the Labour Resource and Research Institution elaborates.

### **Clip / Herbert Jauch:**

"We have in some sectors significant improvements. There are some companies - one I can mention here – "Hartlief" for example. They make an attempt to completely change their labour relations. They are trying to introduce something that the Germans call "Mitbestimmung", co-determination, kind of consultations involving unions in restructuring processes to get workers interests on board. And then you have a significant number of companies where nothing has changed. They still operate very much like management decides, workers have to take it or leave it. As a result labour relation at such companies are very confrontational."

### **Worker's freedom songs**

Whether changes in the labour law are the solution to all labour disputes in Namibia is still to be seen, but people are confident that this new system will create better understanding and working conditions for employers and workers alike. The main reason of industrial action namely better wage and working conditions are also soon to be addressed by the introduction of a minimum wage. But these changes do not really address a system where there are still high disparities between rich and poor.

Although the methods of mediation are being fine-tuned workers who lost their jobs due to strikes are still the ones struggling to make ends meet. Most of these workers live in either on the border of poverty or in abject poverty. Only a few labour disputes end in a win – win situation. As seen in many instances the Namibian law although fairly well-defined is not always well-enforced. Where a solution is found this leaves the worker with some form of justice but does not address where he will find his next job or meal.

### **Clip:**

Workers shouting "Down 8 % down! Viva the workers!!"

A strike is a basic right, but in the Namibian context very rarely a solution to labour disputes, nor to the social imbalances caused by the past.

### **Clip / Namibian public vox-pop**

"Well, it is the other way of trying to force the employer, so that they can compromise because there is no room for negotiations."

“I really think that if they can meet together and one can direct the problems to the leaders, it will be better than to do strikes.”

“They really don’t know what’s the company doing, how’s the company doing. Then they want an increment. And sometimes the company is not doing very well. So you can’t get an increment if the company is not doing very well. And if you think the company gives you bread and butter, you should work hard, and your employer should tell you how good – how bad is he doing. That’s my point of view.”

There is no definite solution to labour conflicts other than creating better understanding and communication. Until most employers realise that the workers are their most valuable assets and offer better working conditions and wages workers will still vent their frustrations through strikes.

**Clip:**

Radio tuning / radio news mix / goes into music Sheehama unemployment tears

**Mod.:**

You’ve been listening to a co-production program on labour conflicts and mediation in Namibia. The co-producing partners were the Namibian Broadcasting Corporation and Deutsche Welle, the German International Radio and TV Station. Producers were Nolito Marques and Katrin Ogunsade.