



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 7 March 2003

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Government Notices

MINISTRY OF LABOUR

No. 38

2003

NOTIFICATION OF NAMES OF THE MEMBERS OF THE SOCIAL SECURITY COMMISSION

In terms of Section 4(5) of the Social Security Act, 1994 (Act No. 34 of 1994), I hereby notify the names of the persons who have been appointed as members of the Social Security Commission, with effect from 1 October 2002, namely -

Mr Frans H. Kapofi, who is the Chairperson
Mr Petrus T. Damaseb
Mrs. Petronella H. Masabane
Ms Cecilia Ndishishi
Mr Alfred Angula
Ms Helena Helmuth
Mr Sam Shumba
Mr D. Sobotta
Ms W. Uiras
Mr I. Collard

M. HAUSIKU
MINISTER OF LABOUR

MINISTRY OF LABOUR

No. 39

2003

**DECLARATION OF REGISTERED COLLECTIVE AGREEMENT RELATING TO
THE CONSTRUCTION INDUSTRY TO BE BINDING ON EMPLOYEES AND
EMPLOYERS IN THAT INDUSTRY: LABOUR ACT, 1992**

Under section 70(1) of the Labour Act, 1992 (Act No. 6 of 1992), and at the request of the Metal and Allied Workers' Union (MANWU) and the Construction Industries Federation of Namibia (CIF), I hereby declare the provisions of the registered collective agreement set forth in the Schedule below -

- (a) to be binding upon the Construction Industries Federation of Namibia and Metal and Allied Namibian Workers' Union and all employees who are members of the said Federation or Union; and
- (b) except clauses 1, 2 and 5 of that agreement, to be binding upon all other employees and employers in the construction industry in Namibia,

with effect from the date of this notice.

**M. HAUSIKU
MINISTRY OF LABOUR**

AGREEMENT ON CONDITIONS OF EMPLOYMENT**ENTERED INTO BETWEEN****THE METAL AND ALLIED NAMIBIAN WORKERS UNION****MANWU****AND****THE CONSTRUCTION INDUSTRIES FEDERATION OF NAMIBIA****CIF****30 OCTOBER 2002**

SCHEDULE**MEMORANDUM OF SUBSTANTIVE AGREEMENT**

by and between

**CONSTRUCTION INDUSTRIES FEDERATION OF NAMIBIA
(hereinafter referred to as "the Federation")**

and

**METAL AND ALLIED NAMIBIAN WORKERS UNION
(hereinafter referred to as "the Union")**

Following successful negotiations by representatives of the Federation and the Union, agreement has been reached on the following issues:

- A. The Union and the Federation intend this agreement to be a binding contract.
- B. Both the Union and the Federation warrant that they are authorised to act and enter into this agreement on behalf of their members.
- C. Both parties agree that this is a collective agreement. All further negotiations are to be channelled through the Federation.

- D. That Government Notice No. 217 published in Government Gazette No. 2637 of 1 November 2001 be amended in accordance with this agreement.

1. IMPLEMENTATION DATE

The Agreement shall come into operation on date of promulgation and shall remain in force until a new agreement has been reached.

2. APPLICATION

This Agreement shall be observed in the Construction Industry in Namibia by all employers who are members of the Federation and by all employees who are members of the Union.

It was furthermore agreed to submit the Agreement to the authorities for registration and to extend it to the whole Construction Industry in terms of section 70 of the Labour Act, 1992, but excluding any such employers and employees who are engaged in any labour-based projects.

“Labour-based project” means any project for infrastructural development conducted by or under the control of a government ministry, and which through the use of labour-based methods is aimed at providing employment opportunities to unskilled labourers on a temporary basis).

3. MINIMUM WAGES

- (a) applicable until 31 March 2003

CATEGORY	N\$ Rate per hour	
	Semi-skilled	Artisan
Labourer	5.85	
Painter	6.90	9.65
VA Tiler / Carpet layer / Tiler	7.50	10.70
Plumber	8.00	12.15
Bricklayer / Plasterer	7.95	12.15
Electrician	8.70	12.70
Carpenter	8.90	13.40
Joiner	9.20	14.30
Welder	7.60	
Master Craftsman (incl.coded welder)		15.95
Leading Hand (incl. leading hand plumber, leading hand steel fixer and leading hand welder)		16.55
Leading hand steel fixer & leading hand welder		17.70
Construction Driver (dumper)		6.05
Construction Driver (light vehicle)		8.55
Construction Driver (medium vehicle)		10.15
Construction Driver (heavy vehicle)		10.50
Construction Plant Operator (medium duty)		8.70
Construction Plant Operator (heavy duty)		11.25
Construction Mechanic (Gr 2 incl. welder, mild steel)		11.20
Storekeeper Gr. 1		7.95
Storekeeper Gr. 2		6.40
Timekeeper Gr. 1		7.95
Timekeeper Gr. 2		7.20
Security Guard per 12 hour shift		45.30
Brickmaker		7.85
Clerk		8.30

(b) applicable as from 1 April 2003

CATEGORY	NS Rate per hour	
	Semi-skilled	Artisan
Labourer	6-50	
Painter	7.65	10.70
VA Tiler / Carpet layer / Tiler	8.30	11.85
Plumber	8.90	13.50
Bricklayer / Plasterer	8.80	13.50
Electrician	9.65	14.10
Carpenter	9.85	14.85
Joiner	10.20	15.85
Welder	8.40	
Master Craftsman (incl.coded welder)		17.70
Leading Hand (incl. leading hand plumber, leading hand steel fixer and leading hand welder)		18.35
Leading hand steel fixer & leading hand welder		19.65
Construction Driver (dumper)		6.70
Construction Driver (light vehicle)		9.50
Construction Driver (medium vehicle)		11.25
Construction Driver (heavy vehicle)		11.65
Construction Plant Operator (medium duty)		9.65
Construction Plant Operator (heavy duty)		12.50
Construction Mechanic (Gr 2 incl. welder, mild steel)		12.40
Storekeeper Gr. 1		8.80
Storekeeper Gr. 2		7.10
Timekeeper Gr. 1		8.80
Timekeeper Gr. 2		8.00
Security Guard per 12 hour shift		50.30
Brickmaker		8.70
Clerk		9.20

4. MINIMUM PROTECTIVE CLOTHING

With regard to minimum protective clothing, the following was agreed upon:

- a. Overalls 2 issued free per year
- b. Hard hats 1 issued free in defined hard hat areas (as determined in compliance with Government Notice No. 156 of 1997, Labour Act 1992: "Regulations relating to the health and safety of employees at work".
- c. Gum boots Would be supplied free for defined areas but to be returned to the employer after the relevant activity.
- d. Safety boots To be issued in compliance with Government Notice No. 156 of 1997, Labour Act 1992: "Regulations relating to the health and safety of employees at work". One pair of boots is to be issued free every two years, unless worn out within this period.
- e. Applicability All categories of employees mentioned in clause 3 above employed on site will qualify for protective clothing.
- f. Rain protection: In addition to rain protection during normal working hours, rain protection is to be afforded to labourers being transported by way of canopies, rain suits or ponchos.

5. MINIMUM PRODUCTIVITY LEVELS

The minimum wage rates as determined and agreed under item 3 above are subject to minimum productivity levels as below. Failure to maintain productivity levels will be addressed by additional training or disciplinary and incapacity procedures as the case may be.

1. Labourer

Excavations in pickable material (not exceeding 2m deep)	2 to 7m ³ / day
Filling under surface beds	5 to 7m ³ / day

	Concrete (mix and place in team of 1 artisan / 10 labourers)	3 to 6m ³ / day
2.	Bricklayer / Plasterer	
	Stock bricks	675 no. / day
	Face bricks	450 no. / day
	Plaster to horizontal soffits	22,5m ² / day
	Plaster to vertical surfaces	31,5m ² / day
3.	Carpenter	
	Rough formwork to all structures	22,5m ² / day
	Smooth formwork to all structures	16,2m ² / day
	Hanging doors with furniture	8no. / day
	Ceilings including brandering	27m ² / day
	Roof covering including purlins	67,5m ² / day
4.	Tiler	
	Glazed tiles to walls	19,8m ² / day
	Ceramic tiles to floors	21,6m ² / day
5.	Painter / Glazier	
	Undercoat and two coats paint to walls	37,8m ² / day
	Undercoat and two coats paint to ceilings	30,6m ² / day
	Two coats varnish to wood	32,4m ² / day
	Prime, first coat and two coats enamel to surfaces	32,4m ² / day
	Glazing generally	31,5m ² / day
6.	VA Tile / Carpet Layer	
	VA tiles to floor	72m ² / day
	Carpet plus underfelt to floors	67,5m ² / day

6. PERFORMANCE STANDARDS

It was agreed that productivity levels are an integral part of the new agreed minimum wage rates, but for performance standards and productivity levels to be achieved, there must be normal working conditions with sufficient back up of materials of specified quality so that production outputs can be reasonably obtained. The standards are to be agreed upon separately between individual contractors and the trade union for each individual construction project.

7. LIVING AWAY ALLOWANCE

These allowances must be paid in compliance with the provisions of Government Notice No. 18 of 1992 as published in Government Gazette No. 325 of 5 February 1992. Separate negotiations for revision of these rates to start in January 2003.

8. SAFETY

Safety in accordance with Government Notice No. 156 of 1997, Labour Act 1992: "Regulations relating to the health and safety of employees at work" requirements should be at all times the prime object on construction.

9. STOP ORDER FACILITIES

Stop order facilities to be arranged for payment of monthly subscription and details will be submitted to Companies as proof of representation. The employees concerned must individually sign stop orders.

10. DEFINITIONS

Unless the context indicates otherwise, any expression used in this Agreement which is defined in the Labour Act, 1992, shall have the same meaning as in the Act and unless inconsistent with the context.

"Artisan" shall mean an employee employed in any trade in the Building Industry designated in terms of the National Vocational Training Act, 1994 (Act 18 of 1994), who performs any work specified in the practical training schedule prescribed under that Act in respect of that designated trade who has gained at least five years' practical experience in that particular trade;

“Coded welder” shall mean any “coded welder having the requisite qualifications and “coded” experience to weld all metals, including stainless steel and aluminium, and to use all currently recognised welding techniques as contained in the training schedule of the designated trade “Welder” in terms of the National Vocational Training Act, 1994 (Act 18 of 1994);

“Construction driver (dumper)” shall mean an employee who is engaged in driving a mechanical dumper and who is not required by law to be in possession of a driver’s licence in order to perform such work;

“Construction driver (light vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is required by law to be in possession of a Code 08 driver’s licence to drive such vehicle;

“Construction driver (medium vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is required by law to be in possession of a Code 08 driver’s licence to drive such vehicle;

“Construction driver (heavy vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is required by law to be in possession of a Code 10 or Code 11 driver’s licence to drive such vehicle;

“Construction Industry” shall, without in any way limiting the generally accepted meaning of the expression, mean the Industry in which employers and employees are associated for the purpose of constructing, altering, renovating, repairing or demolishing any building, road, irrigation work or similar work in the course of construction, alteration, renovation, repair of demolition and shall include all work incidental thereto or consequent thereon;

“Construction Mechanic Grade 2” shall mean a skilled employee engaged in the erection of construction plant and the carrying out of minor maintenance work in mechanical equipment and machines such as cranes, jib-hoists, earth-moving equipment, motor vehicles, mechanical dumpers, tractors, concrete mixers or similar equipment and machines;

“Construction plant operator” shall mean an employee who is engaged in the operation of cranes, jib-hoists, earth-moving equipment or similar equipment;

“Labourer” shall mean an employee engaged in any work of an unskilled nature not apportioned to any other categories of employees specified herein but assisting such other categories of employees wherever necessary, although not performing the work as such other categories of employees;

“Leading hand” shall mean an employee primarily engaged in any work of a skilled nature usually performed by an artisan or a master craftsman but who may also be employed in a supervisory capacity, giving out work to other employees under his control and supervision and maintaining discipline;

“Master craftsman” shall mean an employee employed in any trade in the Construction Industry designated in terms of the National Vocational Training Act, 1994 (Act 18 of 1994):

“Semi-skilled Artisan” shall mean any employee who has had formal or informal training in his trade, but did not conduct and pass a formal trade test as prescribed by the National Vocational Training Act, 1994 (Act 18 of 1994);

“Storekeeper Grade 1” shall mean an employee who is in possession of a Grade 12 certificate and who is in charge of stocks or stores, and who is responsible for receiving, storing, packing or unpacking of goods in a store, and for dispatching goods to consuming divisions of an establishment;

“Storekeeper Grade 2” shall mean an employee who is not in possession of a Grade 12 certificate and who assists in receiving, storing, packing or unpacking of goods in a store, and in dispatching goods to consuming divisions of an establishment;

“Timekeeper Grade 1” shall mean an employee who is in possession of a Grade 12 certificate and who is responsible for the record-keeping of the working hours of employees, and who is engaged in clerical work in connection with the payment of remuneration of employees; and

“Timekeeper Grade 2” shall mean an employee who is not in possession of a Grade 12 certificate and who assists the record-keeping of the working hours of employees and clerical work in connection with the payment of remuneration of employees.

“Brickmaker” shall mean an employee who is operating a brick-making plant specifically.

11. SERVICE ALLOWANCE

A service allowance will be paid to every employee equal to 90 hours of his / her wage and will be paid as part of the December remuneration - payable either at the end of that month for an employee not going on leave during December, or in the case of an employee going on leave in December, on the last working day before commencement of his / her annual leave. This allowance will be calculated pro-rata to the portion of the year that the employee was in service during that specific year. Should the service of an employee be terminated before the end of the year, a pro-rate payment will similarly be due. **If agreement is reached in separate negotiations in 2003 an amendment to this document will be issued.**

12. SHOPSTEWARD TRAINING

All shopstewards, or Workplace Union Representatives, as provided for in clause 65(5)(b) of the Labour Act of 1992, will be entitled to 7 working days paid and 7 working days unpaid leave per year for specifically approved training courses. Any further extended unpaid leave shall be negotiated with the management of the company. Such leave will be subject to availability of the employee and will have to fit in with the company activities but will not unreasonably be withheld.

13. FAIR PRACTICE

Retrenched workers, who are being re-employed by the same company within six months of retrenchment, shall receive the same rate of remuneration as at the time of retrenchment.

14. GENERAL

The above agreement was signed by the duly authorised representative and witnesses of both parties, on the conclusion of the negotiations, who declare that no outstanding substantive demands or claims exist, which were presented for negotiation under this agreement.

SIGNED at Windhoek on this 30th day of October 2002.

M. SHIIKWA
(for and on behalf of) _____
METAL AND ALLIED NAMIBIAN WORKERS UNION

As witnesses: 1. _____
2. _____

R. SCHMIDT
(for and on behalf of) _____
CONSTRUCTION INDUSTRIES FEDERATION OF NAMIBIA

As witnesses: 1. _____
2. _____