



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

No. 291

2021

PUBLICATION OF REQUEST FOR, AND INVITATION FOR OBJECTIONS TO, EXTENSION OF COLLECTIVE AGREEMENT FOR MINIMUM WAGE IN AGRICULTURAL SECTOR: LABOUR ACT, 2007

In terms of -

- (a) section 71(3)(a) of the Labour Act, 2007 (Act No. 11 of 2007), I publish a request by the Namibian Agricultural Labour Forum, made in terms of section 71(2) of that Act, to extend the collective agreement set out in the Schedule to employers and employees in the agricultural sector who are not parties to that agreement; and
- (b) section 71(3)(b) of the Act referred to in paragraph (a), I invite any person who wishes to object to the extension of the agreement referred to in that paragraph, in whole or in part, to deliver a written statement setting forth the reasons for the objection to my office at the Ministry of Labour, Industrial Relations and Employment Creation, 32 Mercedes Street, Khomasdal, within 30 days from the date of publication of this notice, or send the written statement by mail to the Minister of Labour, Industrial Relations and Employment Creation, Private Bag 19005, Khomasdal or by facsimile to the Minister at 061210047, to reach my office within 30 days from the date of publication of this notice.

U. NUJOMA
MINISTER OF LABOUR, INDUSTRIAL
RELATIONS AND EMPLOYMENT CREATION

Windhoek, 14 December 2021

SCHEDULE

COLLECTIVE AGREEMENT ON MINIMUM WAGES IN THE
AGRICULTURE SECTOR
PREAMBLE

The Agricultural Employers' Association

The Namibia National Farmers' Union

The Namibia Emerging Commercial Farmers' Union

and

The Namibia Farm Workers' Union

Being the parties to this collective agreement, desiring to maintain labour peace in the agricultural sector, realizing the need to curb and prevent exploitation of farm workers, and having welcomed the principle of determining a minimum wage for agricultural workers,
Now agrees as follows:

ARTICLE 1
DEFINITIONS

For the purpose of this agreement the term -

“Agriculture” covers activities carried out in agricultural undertakings including crop production, animal husbandry, game farming and hunting, guest farms, insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery, equipment, appliances, tools and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which is directly related to agricultural production. “Agriculture” does not cover subsistence farming, industrial processes that use agricultural products as raw material and the related services;

“Agricultural sector” and “Agricultural activity” have the corresponding meaning;

“Agricultural employer” means the owner or operator of an agricultural undertaking;

“Agricultural employee” means a person working for an agricultural undertaking or an agricultural employer for any period of time and who receives remuneration;

“Breadline” means a total income of the equivalent of 3 US\$ per day per person;

“Dependants” means the employee’s spouse or partner and their dependent children;

“Entry level” means the lowest level of remuneration of an agricultural employee;

“Remuneration” means the total value of all payments in money or in kind made or owing to an employee arising from the employment of that employee; and

“Subsistence farmer” means a bona fide small-scale farmer who produces primary for own consumption and who has no formal employment.

ARTICLE 2
RECOGNITION AS EXCLUSIVE BARGAINING AGENT

For the purpose of this agreement the Parties recognise the Namibia Farm Workers' Union as Exclusive Bargaining Agent.

An employer may deduct a fee due to the Namibia Farm Workers' Union from an employee's remuneration if the employee is a member of the Union, and has authorised the deduction in writing. An employer may retain as a collection fee an amount not exceeding 5% of the total amount deducted and shall pay the remaining money to the Union within seven days of the end of the month. (Refer to Art 66 (2) and (7) of the Labour Act, 2007 (Act No. 11 of 2007).

ARTICLE 3
PURPOSE OF MINIMUM WAGE DETERMINATION

The purpose of this collective agreement for a minimum wage is:

- To improve the living standard of agricultural employees
- To reduce poverty
- To maintain social peace
- To ensure income levels above the breadline; and
- To curb and prevent exploitation of agricultural employees.

ARTICLE 4
CRITERIA FOR DETERMINING MINIMUM WAGES

The criteria to be used for a minimum wage determination should be, but not limited to:

- The needs of employees and their dependants
- The capacity of the employer to pay
- The level of wages in the country as a whole
- Existing social security benefits and
- Economic factors, including the requirement for economic development.

ARTICLE 5
COVERAGE OF MINIMUM WAGES

- The agreed minimum wage determines the wage for the entry level of agricultural employees in the whole of Namibia, including agricultural contract employees.
- Domestic workers on farms, game and hunting farms, and lodges are also covered by this agreement.
- Specific categories of agricultural employers may be exempted temporarily from the whole agreement, or parts thereof.

ARTICLE 6
MINIMUM WAGE DETERMINATION MACHINERY

Minimum wage determinations in the agricultural sector are to be done through:

- Collective agreements
- Collective bargaining using the Agricultural Labour Forum as the platform
- Collective agreements are to be gazetted in terms of section 71 of the Labour Act, 2007 (Act No. 11 of 2007).

ARTICLE 7
ADJUSTMENT OF MINIMUM WAGES

Adjustments of the minimum wage in the agricultural sector must be:

- Collectively negotiated by all Parties to the agreement on an annual basis.
- The agreed criteria for determining a minimum wage in the agricultural sector, as contained in Article 4 of this agreement, should be used when establishing an adjustment of the minimum wage.
- Indicators and factors such as, but not limited to the current consumer price index (CPI), inflation rate, economic growth rate, and the prevailing environmental conditions (drought, floods, bush-fires) should guide the parties in adjusting the minimum wage.

ARTICLE 8
ENFORCEMENT OF THE MINIMUM WAGE

The minimum wage in the agricultural sector is to be implemented and enforced through:

- Public education and information dissemination by the Parties to members and non-members of the Parties.
- Inspections of the agricultural undertakings and their wage registers by labour inspectors as provided for in section 125 of the Labour Act, 2007 (Act No. 11 of 2007).
- Ensuring compliance with relevant legal provisions.
- Consideration of penalties for non-compliance with the minimum wage.
- Protection of agricultural employees against victimization.

ARTICLE 9
MINIMUM WAGE FOR ENTRY LEVELS OF AGRICULTURAL EMPLOYEES

- The Parties determined the minimum cash wage for the entry level of agricultural employees at N\$ 5.40 per hour.
- If an employee is by virtue of his or her employment required to live in or on the place of his or her employment or to reside with any of his or her employer, such employer must -
 - (a) provide such employee with such housing, including sanitary and water facilities, as may comply with the reasonable requirements of such employees and, in the

case of an employee who is required to live or reside on agricultural land, of his or her dependants, and, as may be mutually agreed by the individual employer and employees. Provide, in addition, to such employee, electricity where available;

- (b) permit, in case of an employee who is required to live or reside on agricultural land, such employee, in addition, to keep such livestock and to carry on such cultivation on such land as may be necessary for such employee to provide for the reasonable needs of himself or herself and of his or her dependants;
- (c) provide such employee with food or rations for the reasonable needs of such employee and his or her dependants and which value should not exceed the equivalent of 35% of the employee's basic wage; or
- (d) provide such employee with an additional allowance of at least N\$ 600.00 per month.

ARTICLE 10
DISPUTE ARISING FROM APPLICATION, INTERPRETATION OR ENFORCEMENT
OF THIS COLLECTIVE AGREEMENT

Any dispute concerning the interpretation, application or enforcement of this agreement that the parties are not able to resolve through negotiation shall be submitted to conciliation and/or arbitration under the auspices of the Labour Commissioner as per section 73(1) of the Labour Act, 2007 (Act No. 11 of 2007).

ARTICLE 11
GENERAL PROVISION

- This agreement comes **into force on the 1st day of January 2022**
- This agreement remains in force until it is amended or replaced by another collective agreement of the Parties

Signed at Windhoek on the 9th day of November 2021.

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AGRICULTURAL EMPLOYERS' ASSOCIATION

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NAMIBIA NATIONAL FARMERS UNION

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NAMIBIA EMERGING COMMERCIAL FARMERS UNION

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NAMIBIA FARM WORKERS UNION

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WITNESS 1

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WITNESS 2
