



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 7 August 2009

No. 4315

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Government Notice

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(Section 71(3)(b), Regulation 14(2))

No. 163

2009

INVITATION FOR OBJECTIONS TO EXTENSION OF COLLECTIVE AGREEMENT: SECURITY INDUSTRY AGREEMENT

1. This is to inform the public that SAN, NASGWU, FOSEIN, NATAU and NASSWU have applied to the Minister of Labour and Social Welfare in terms of section 71(2) of the Labour Act 2007 (Act No. 11 of 2007) to extend their collective agreement dated 15 April 2009 which is set out in the Schedule, to apply to all employers and employees in the Security Industry who are not presently parties to the aforesaid agreement.
2. Anyone who wishes to object to the extension of the agreement, in whole or in part, must deliver a written statement setting forth the reasons for the objection to the office of the Minister of Labour and Social Welfare, 32 Mercedes Street, Khomasdal, within 30 days from the date of this notice, or send the written statement by mail to the Minister of Labour and Social Welfare, Private Bag 19005, Khomasdal, or by facsimile to the Minister at 210047, in time to reach the Minister within 30 days after the date of this notice.

SCHEDULE**COLLECTIVE AGREEMENT FOR A MINIMUM WAGE****ON****ENTRY LEVEL FOR THE SECURITY INDUSTRY****MADE AND ENTERED INTO BY AND BETWEEN****THE SECURITY ASSOCIATION OF NAMIBIA;**

P. O. Box 50665, Bachbrecht, Windhoek, Tel: 061-247242, Fax: 061-247963
17 Adler Street, Windhoek

AND**FEDERATION OF SECURITY EMPLOYERS IN NAMIBIA**

P. O. Box 3470, Windhoek, Tel: 061-210506/23197, Fax 061-374051/210506
Abraham Mashego Street, Katutura

AND**NAMIBIA TRANSPORT AND ALLIED WORKERS UNION**

P. O. Box 7516, Katutura, Tel: 061-217244, Fax: 061-263767
Erf 8605 Mugunda Street, Katutura

AND**NAMIBIA SECURITY GUARDS AND WATCHMEN'S UNION**

P. O. Box 22679, Windhoek, Tel: 061-303803, Fax: 061-212828
Erf 3930 Verben Street, Khomasdal

2009**PREAMBLE****The Security Association of Namibia****And****Federation of Security Employers Association in Namibia****And****Namibia Transport and Allied Workers Union****And****Namibia Security Guards and Watchmen's Union**

Being the Parties to this Collective Agreement,

Desiring to maintain labour peace in the security industry;

Realizing the need to curb and prevent exploitation of security officers; and

Having welcomed the principle of determining a minimum wage on entry level of security officers;

Now therefore the Parties agree as follows:

ARTICLE 1

DEFINITIONS

For the purpose of this agreement the term **“Security Officers (Employee)”** has the same meaning as defined in the Security Legislation (Security Enterprises and Security Officers Act, Act No. 19 of 1998).

“Security Enterprise (Employer)” has the same meaning as defined in the Security Legislation (Security Enterprise and Security Officers Act, Act No. 19 of 1998).

“Entry Level” means the lowest level of remuneration of Security Officers.

“Remuneration” means the total hourly rate as agreed upon.

ARTICLE 2

RECOGNITION AS EXCLUSIVE BARGAINING AGENT

For the purpose of this Agreement; the Parties recognise the Namibia Security Labour Forum, their bargaining forum, for minimum wage negotiation on entry level.

ARTICLE 3

PURPOSE OF MINIMUM WAGE DETERMINATION

The purposes of this collective agreement for a minimum wage on entry level are:

- 3.1 To improve the living standard of security officers;
- 3.2 To reduce poverty;
- 3.3 To maintain social peace; and
- 3.4 To curb and prevent exploitation of employees.

ARTICLE 4

CRITERIA FOR DETERMINING MINIMUM WAGES ON ENTRY LEVEL

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

- 4.1 The need of employees and their dependants;
- 4.2 The capacity of the employer to pay;
- 4.3 The level of wages in the country as a whole;

- 4.4 Existing social security benefits; and
- 4.5 Economic factors, including the requirements of the economic development.

ARTICLE 5

COVERAGE OF MINIMUM WAGES ON ENTRY LEVEL

- 5.1 The agreed minimum wage determines the wage for the entry level of security officers in the whole of Namibia,
- 5.2 Specific categories of security enterprises may be exempted temporarily from the whole agreement, or parts thereof; in accordance with the criteria to be determined by the Forum; and
- 5.3 All Parties to this Agreement must agree upon any exemption.

ARTICLE 6

MINIMUM WAGE DETERMINATION MACHINERY

Minimum wage determinations in the security industry are to be done through:

- 6.1 Collective agreements;
- 6.2 Collective bargaining using the Namibia Security Labour Forum as platform; and
- 6.3 Collective agreements are to be gazetted in terms of relevant applicable labour legislation.

ARTICLE 7

ADJUSTMENT OF MINIMUM WAGES

Adjustments of the minimum wage as established in the Security Industry must be:

- 7.1 Collectively negotiated by all Parties to the Agreement to be revised after one year of implementation thereafter every second year;
- 7.2 The agreed criteria for determining a minimum wage in the Security Industry, as contained in Article 4 of this agreement, should be used when establishing an adjustment of the minimum wage on entry level;
- 7.3 Indicators and factors such as, but not limited to the current Consumer Price Index (CPI), inflation rate, economic growth rate, claims and the prevailing environmental conditions (drought, floods, bush-fires) should guide the Parties in the adjusting the minimum wage. The Forum should use an open door policy in considering all aspects; and
- 7.4 The Parties agree that the first priority should always be to ensure the continuity and ability of the security industry to operate as a commercial entity in order to enable it in fulfilling its obligations.
- 7.5 The parties agreed that the second priority should always ensure the continuity creation of decent work in the security sector.

ARTICLE 8**ENFORCEMENT OF THE MINIMUM WAGE**

The minimum wage in the Security Industry is to be implemented and enforced through:

- 8.1 Public education and information dissemination by the Parties to members and nonmembers of the Parties;
- 8.2 Inspections of the security enterprises and their wage registers by Labour Inspectors as provided for in the relevant labour legislations;
- 8.3 Ensuring compliance with relevant legal provisions;
- 8.4 Imposing of penalties for non-compliance with the minimum wage; and
- 8.5 Protection of security officers against victimization and unfair treatment.

ARTICLE 9**MINIMUM WAGE FOR ENTRY LEVELS OF SECURITY OFFICERS**

- 9.1 The Parties determine the minimum cash wage for the entry level of security officers at N\$ 3.80 per hour, and N\$4.00 shift bonus, whereby 10.5 hours and more will be regarded as a full shift;
- 9.2 A shift consisting out of less than 10.5 hours will be paid actual hours worked per hourly rate;
- 9.3 The employee will be in debt to the employer for hours paid but not worked for; and
- 9.4 Employer shall provide all employees with uniforms on the following basis:
 - 9.4.1 A newly-appointed employee shall be required to pay a deposit equivalent to the cost of the uniform;
 - 9.4.2 The employer shall refund the deposit to the employee at the time of the employee's termination of service upon return of the uniform;
 - 9.4.3 The employer shall replace the uniform of each employee, as needed, at the employer's cost.

ARTICLE 10**GENERAL PROVISION**

- 10.1 This agreement comes into force on the 1 June 2009 until 31 December 2011;
- 10.2 This agreement remains in force until it is amended or replaced by another written collective agreement of the Parties of which the re-negotiation will start as from the 1 June 2011 and implemented on the 1 January 2012 should an agreement be reached;
- 10.3 Any dispute must be settled through conciliation or arbitration, as the Parties may agree and as provided for by relevant Namibian legislation;

10.4 It is agreed by the Parties that their respective addresses herein before set out shall be the address to which all notices or other documents may be sent in relation to those present;

10.5 Any notice communication required or permitted to be given in terms of this agreement shall be valid and effective only if in written but it shall be competent to give notice by facsimile.

Signed on the day of 2009, at Windhoek

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Name Signature Capacity

ON BEHALF OF SECURITY ASSOCIATION OF NAMIBIA

Signed on the day of 2009, at Windhoek

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Name Signature Capacity

ON BEHALF OF FEDERATION OF SECURITY EMPLOYERS IN NAMIBIA

Signed on the day of 2009, at Windhoek

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ON BEHALF OF NAMIBIA TRANSPORT AND ALLIED WORKERS UNION

Signed on the day of 2009, at Windhoek

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ON BEHALF OF THE NAMIBIA SECURITY GUARDS AND WATCHMEN'S UNION

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ON BEHALF OF THE MINISTRY OF LABOUR AND SOCIAL WELFARE

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