



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 30 October 2004

No.3312

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## Government Notice

### MINISTRY OF LABOUR

No. 231

2004

#### NOTICE CALLING FOR OBJECTIONS IN TERMS OF SECTION 70(2) OF THE LABOUR ACT, 1992: COLLECTIVE AGREEMENT BETWEEN MANWU AND CIF

In terms of section 70(2) of the Labour Act, 1992 (Act No. 6 of 1992), it is made known that -

- (a) the Metal and Allied Namibian Workers' Union (MANWU) and the Construction Industries Federation of Namibia (CIF) have requested the Minister, in terms of section 70(1) of that Act, to declare all provisions of the registered collective agreement set out in the Schedule and entered into between themselves to be binding on every employer and employee engaged in the construction industry within the Republic of Namibia;
- (b) the collective agreement referred to in paragraph (a) will lie open for inspection during office hours at the Office of the Labour Commissioner: Room F13, 1<sup>st</sup> Floor, Borgward Street, Commissioners' Building, Khomasdal, Windhoek; and
- (c) any interested person who wishes to object to the proposed notice in terms of section 70(1) of that Act or who wishes to make any objections to any provision of the collective agreement referred to in paragraph (a) must deliver such written objections to the Office of the Labour Commissioner: Room F13, 1<sup>st</sup> Floor, Borgward Street, Commissioners' Building, Khomasdal, Windhoek or must send

such written objections by registered mail for the attention of the Labour Commissioner: Private Bag 13367, Windhoek or transmit such written objections by way of facsimile to (061) 212334, so as to reach the office of the Labour Commissioner within 30 days from the date of this notice.

**SCHEDULE**

**AGREEMENT ON  
CONDITIONS OF EMPLOYMENT**

ENTERED INTO BETWEEN

**THE METAL AND ALLIED NAMIBIAN  
WORKERS UNION**

**M A N W U**

AND

**THE CONSTRUCTION INDUSTRIES FEDERATION  
OF NAMIBIA**

**C I F**

**23 SEPTEMBER 2004**

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**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. **39** published in Government Gazette No. **2927** of **7 March 2003** be amended in accordance with this agreement.

## 1. IMPLEMENTATION DATE

The Agreement shall come into operation on **1 October 2004** and shall remain in force until a new agreement has been reached.

## 2. APPLICATION

This Agreement **will be submitted to the authorities for registration and an application will be made to the Minister of Labour to, in terms of section 70 (1) of the Labour Act of 1992, declare by notice in the Government Gazette that all provisions of this Agreement to be binding upon every employer and employee in the construction industry. Excluded from these provisions are any such 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 2005**

CATEGORY	N\$ Rate per hour	
	Semi-skilled	Artisan
Labourer		7.15
Painter	8.26	11.56
VA tiler / Carper layer / Tiler	8.96	12.80
Plumber	9.61	14.58
Bricklayer / Plasterer	9.50	14.58
Electrician	10.42	15.23
Carpenter	10.64	16.04
Joiner	11.02	17.12
Welder	9.07	
Master Craftsman (incl. coded welder)		19.12
Leading Hand (incl. leading hand plumber, leading hand steel fixer and leading hand welder)		19.82
Leading hand steel fixer and leading hand welder		21.22
Construction Driver (dumper)		7.24
Construction Driver (light vehicle)		10.26
Construction Driver (medium vehicle)		12.15
Construction Driver (heavy vehicle)		12.58
Construction Plant Operator (medium duty)		10.42
Construction Plant Operator (heavy duty)		13.50
Construction Mechanic (Gr 2 incl. welder, mild steel)		13.39
Storekeeper Gr. 1		9.50
Storekeeper Gr. 2		7.67
Timekeeper Gr. 1		9.50
Timekeeper Gr. 2		8.64
Security Guard per 12 hour shift		54.32
Brickmaker		9.40
Clerk		9.94

**(b) applicable as from 1 April 2005**

CATEGORY	N\$ Rate per hour	
	Semi-skilled	Artisan
Labourer		7.58
Painter	8.68	12.13
VA tiler / Carper layer / Tiler	9.41	13.44
Plumber	10.09	15.31
Bricklayer / Plasterer	9.98	15.31
Electrician	10.94	15.99
Carpenter	11.17	16.84
Joiner	11.57	17.97
Welder	9.53	
Master Craftsman (incl. coded welder)		20.07
Leading Hand (incl. leading hand plumber, leading hand steel fixer and leading hand welder)		20.81
Leading hand steel fixer and leading hand welder		22.28
Construction Driver (dumper)		7.60
Construction Driver (light vehicle)		10.77
Construction Driver (medium vehicle)		12.76
Construction Driver (heavy vehicle)		13.21
Construction Plant Operator (medium duty)		10.94
Construction Plant Operator (heavy duty)		14.18
Construction Mechanic (Gr 2 incl. welder, mild steel)		14.06
Storekeeper Gr. 1		9.98
Storekeeper Gr. 2		8.05
Timekeeper Gr. 1		9.98
Timekeeper Gr. 2		9.07
Security Guard per 12 hour shift		57.04
Brickmaker		9.87
Clerk		10.43

## 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 <sup>3</sup> / day
Filling under surface beds	5 to 7m <sup>3</sup> / day
Concrete (mix and place in team of 1 artisan / 10 labourers)	3 to 6m <sup>3</sup> / day
2. Bricklayer / Plasterer
 

Stock bricks	675 no. / day
Face bricks	450 no. / day
Plaster to horizontal soffits	22,5m <sup>2</sup> / day
Plaster to vertical surfaces	31,5m <sup>2</sup> / day
3. Carpenter
 

Rough formwork to all structures	22,5m <sup>2</sup> / day
Smooth formwork to all structures	16,2m <sup>2</sup> / day
Hanging doors with furniture	8 no. / day
Ceilings including brandering	27m <sup>2</sup> / day
Roof covering including purlins	67,5m <sup>2</sup> / day
4. Tiler
 

Glazed tiles to walls	19,8m <sup>2</sup> / day
Ceramic tiles to floors	21,6m <sup>2</sup> / day
5. Painter / Glazier
 

Undercoat and two coats paint to walls	37,8m <sup>2</sup> / day
Undercoat and two coats paint to ceilings	30,6m <sup>2</sup> / day
Two coats varnish to wood	32,4m <sup>2</sup> / day
Prime, first coat and two coats enamel to surfaces	32,4m <sup>2</sup> / day
Glazing generally	31,5m <sup>2</sup> / day
6. VA Tile / Carpet Layer
 

VA tiles to floor	72m <sup>2</sup> / day
Carpet plus underfelt to floors	67,5m <sup>2</sup> / 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

**The parties agree that the previous formula used to calculate the minimum living away allowance (as promulgated in the Government Gazette no. 325 of 5 February 1992) be changed to a new formula as outlined below:**

**It is agreed that future minimum living away allowances be calculated at twelve percent (12%) of the employee's hourly wage for the entire duration of this agreement.**

## 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 No. 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 No. 18 of 1994);

“Construction driver (dumper)” shall mean an employee who is engaged in driving a mechanical dumper and who is, **in terms of Government Gazette No. 2503 of 30 March 2001, regulation 3(e), in possession of at least a Code B or Code BE driver’s licence (holders of Code C, C1, C1E or CE driver’s licences also qualify);**

“Construction driver (light vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is, **in terms of Government Gazette No. 2503 of 30 March 2001, regulation 3(e), in possession of at least a Code B or Code BE driver’s licence (holders of Code C, C1, C1E or CE driver’s licences also qualify);**

“Construction driver (medium vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is, **in terms of Government Gazette No. 2503 of 30 March 2001, regulation 3(e), in possession of at least a Code C or Code C1 or a Code C or Code C1 with N3 restriction driver’s licence (holders of Code C1E or CE driver’s licences also qualify);**

“Construction driver (heavy vehicle)” shall mean an employee who is engaged in driving a motor vehicle and who is, **in terms of Government Gazette No. 2503 of 30 March 2001, regulation 3(e), in possession of at least a Code C1E or Code CE or a Code C1E or Code CE with N3 restriction driver’s licence;**

“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 **and who is in the possession of the relevant licences in terms of Government Gazette No. 2503 of 30 March 2001.**

“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 No. 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 No. 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;

“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; and

“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 or 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 or 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-rata payment will similarly be due.

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 23 day of September 2004

J SHIWEDA .....  
(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. ....

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