



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

### MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

No. 309

2015

#### PUBLICATION OF REQUEST AND INVITATION FOR OBJECTIONS TO EXTENSION OF COLLECTIVE AGREEMENT TO FUEL RETAIL INDUSTRY: 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, which was made by ASSO, NAFAWU, MANWU, NWRWU, MUN and NAFU in terms of section 71(2) of that Act, to extend the collective agreement dated 2 October 2014 set out in the Schedule, to apply to all employers and employees in the Fuel Retail Industry who are presently not parties to that agreement; and
- (b) section 71(3)(b) of the Act, I invite objections to the request referred to in paragraph (a), to be made by delivering a written statement setting forth the reasons for the objection to the office of the Minister 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 in the Gazette, or sending 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 210047, to reach the Minister within 30 days from the date of publication of this notice in the *Gazette*.

**E. NGHIMTINA  
MINISTER OF LABOUR, INDUSTRIAL RELATIONS  
AND EMPLOYMENT CREATION**

Windhoek, 9 December 2015

**COLLECTIVE AGREEMENT FOR A MINIMUM WAGE FOR  
THE FUEL RETAIL INDUSTRY**

MADE AND ENTERED INTO BY AND BETWEEN

THE ASSOCIATION OF SERVICE STATION OWNERS (ASSO)  
PO Box 86592 Windhoek, Tel: +264 811270808 / +264 811 273337 Fax: +264 61 242259  
C/O Sam Nujoma Drive and Stain Street, Klein Windhoek  
(on the one hand)

AND

NAMIBIA FUEL AND ALLIED WORKERS UNION (NAFAWU)  
No. 4551 Dollar Street, Khomasdal, Windhoek, Tel: +264 61 247 133

AND

METAL AND ALLIED NAMIBIAN WORKERS UNION (MANWU)  
PO Box 22771, Windhoek, Namibia, Tel: +264 61 263 100/1, Fax: +264 61 264 300

AND

NAMIBIA WHOLESALE AND RETAIL WORKERS UNION (NWRWU)  
PO Box 22679, Windhoek, Namibia, Tel: +264 61 246 143, Fax: +264 61 212 828

AND

MINE WORKERS UNION OF NAMIBIA (MUN)  
PO Box 1566, Windhoek, Tel: + 264 61 261723, Fax: +264 61 217 684  
Mungunda Street, Katutura

AND

NAMIBIAN FOOD AND ALLIED WORKERS UNION (NAFAU)  
PO Box 1553, Mungunda Street, Katutura  
(on the other hand)

Collectively referred to as the Parties

2014

**PREAMBLE**

As the Parties have established the bargaining forum through the signed memorandum of understanding to pave way for negotiations; and

As the Parties are signatories to that Memorandum of Understanding and this Collective Agreement; and

As the Parties are delirious to maintain labour peace in the fuel retail industry; and

As the Parties realize the need to curb and prevent exploitation of Fuel attendants and Fuel cashiers; and

As the Parties have agreed on introducing the principle of determining a minimum wage for Fuel attendants and Fuel cashiers;

Now therefore the Parties agree as follows:

#### **ARTICLE 1**

##### **RECOGNITION**

For the purpose of this Agreement; the Parties recognize the Fuel Retail Industry Labour Forum, as the bargaining forum for minimum wage negotiations.

#### **ARTICLE 2**

##### **APPLICATION**

This minimum wage shall apply to all Fuel attendants and Fuel cashiers. It does not cover the category of employees who are employed by franchise outlets, operating within a fuel service station's premises.

#### **ARTICLE 3**

##### **PURPOSE OF MINIMUM WAGE DETERMINATION**

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

- 3.1 To improve the living standard of Fuel attendants and Fuel cashiers;
- 3.2 To contribute towards poverty reduction in the country;
- 3.3 To maintain social and industrial peace in the sector; and
- 3.4 To curb and prevent exploitation of the employees given the historical pay disparities among different service station owners.

#### **ARTICLE 4**

##### **CRITERIA FOR DETERMINING MINIMUM WAGES ON ENTRY LEVEL**

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

- 4.1 The prevailing inflation rate of Namibia;
- 4.2 The employers (ASSO's members) ability to pay;
- 4.3 The level of minimum wages in the country as a whole;
- 4.4 Economic factors, including the requirements for economic development.

#### **ARTICLE 5**

##### **MINIMUM WAGE DETERMINATION MACHINERY**

Minimum wage determinations in Namibia's Fuel Retail Industry are to be done and achieved through:

- 5.1 Collective agreement, using the Fuel Retail Industry Labour Forum as the platform; and
- 5.2 This Collective Agreement to be gazette and extended to non-parties in terms of Section 71 of the Labour Act, 2007 (Act No. 11 of 2007). The extension and enforcement to non-parties to this agreement shall take effect from the date of 1 January 2015, provided that the same will be gazetted before implementation.

## **ARTICLE 6**

### **ADJUSTMENT OF MINIMUM WAGES**

Adjustments of the minimum wage:

- 6.1 Negotiations for revised minimum wages can commence after a term of two years calculated from the date of implementation of this Agreement;
- 6.2 The agreed criteria for determining a minimum wage in the Fuel Retail Industry, as contained in Article 4 of this agreement and including any other prevailing and compelling factors at the time, would be used when determining further adjustment of the minimum wage;
- 6.3 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 should guide the Parties in the adjusting of minimum wage.
- 6.4 The Parties agree that the first priority should always be to ensure the continuity and ability of the Fuel Retail industry to operate as commercial entities in order to enable sector to fulfill its obligations towards all stakeholders, including the employees; and
- 6.5 The Parties agree that the second priority should always be to ensure the continuous creation of non-exploitative wages in the fuel retail sector.

## **ARTICLE 7**

### **ENFORCEMENT OF THE MINIMUM WAGE**

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

- 7.1 Public education and information dissemination by the Parties to their members and including non-members of the forum covered by the agreement by virtue of extension;
- 7.2 Inspections of the fuel retail enterprises and their wage registers by Labour Inspectors as provided for in sections 124, 125 and 126 of the Labour Act, 2007 (Act No. 11 of 2007); and
- 7.3 Encourage self-compliance by members and non-members to the collective agreement;

## **ARTICLE 8**

### **MINIMUM WAGES**

- 8.1 The minimum wage for the Fuel Attendants and Fuel Cashiers shall be N\$7.20 per hour and these shall be effective from 1 January 2015.

**ARTICLE 9****EXEMPTION**

- 9.1 Specific categories of service stations may be exempted temporarily from the whole agreement, or parts thereof, in accordance with the criteria to be determined by the Forum; and
- 9.2 All Parties to the Agreement (the forum) must agree and approve such exemption.

**ARTICLE 10****GENERAL PROVISION**

- 10.1 Notwithstanding the gazetting of this agreement, the agreement shall be valid for the period of two years commencing from 1 January 2015 to 1 January 2017. Thereafter, it shall remain in force until a new agreement is reached;
- 10.2 Any dispute and /or violation of this agreement shall be reported to the Labour Inspectors;
- 10.3 In an event of a dispute of either interest or rights, and if labour inspector are unable to resolve or enforce compliance, the dispute shall be referred for conciliation and arbitration to the Labour Commissioner in terms of Chapter 8 of the Labour Act, 2007 (Act No. 11 of 2007);
- 10.3 It is agreed by the Parties that their respective addresses herein, shall be the addresses to which all notices or other documents may be served and communicated;

**ARTICLE 11****DISPUTE RESOLUTION PROCEDURE**

- 11.1 In the event either part declaring a dispute/ or being aggrieved by the other party, the aggrieved party shall notify the other party in writing thereof stating the nature of the dispute;
- 11.2 Upon receipt of such notification, the parties shall meet within 14 working days to consider the dispute in an endeavor to reach amicable resolution of the dispute;
- 11.3 In event of parties are unable to resolve the dispute the provision of the Labour Act as stated in para 11.1 above shall apply;

**ON BEHALF OF ASSOCIATION OF SERVICE STATION OWNERS****R. P. HARMSE**

Windhoek, 2 October 2014

**ON BEHALF OF NAMIBIA FUEL AND ALLIED WORKERS UNION****ON BEHALF OF METAL AND ALLIED NAMIBIAN WORKERS UNION****D. FRANS**

Windhoek, 2 October 2014

**ON BEHALF OF NAMIBIA WHOLESALE AND RETAIL WORKERS UNION****A. MURANGI**

Windhoek, 2 October 2014

**ON BEHALF OF MINE WORKERS UNION OF NAMIBIA****V. D. HAMUNYELA**

Windhoek, 2 October 2014

**ON BEHALF OF NAMIBIAN FOOD AND ALLIED WORKERS UNION (NAFAU)****W. ANGULA**

Windhoek, 2 October 2014

**ON BEHALF OF THE MINISTRY OF LABOUR, INDUSTRIAL  
RELATIONS AND EMPLOYMENT CREATION****B.M. SHINGUADJA**Windhoek, 2 October 2014  

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