and had requested Labour Commissioner, Bro Matthew Shingiuda, to have the arbitrator removed because he was not “independent.” The demonstration was led by NASAWU President Paulus Hango. A strongly worded statement issued by the Ministry of Labour and Social Welfare on Thursday dismissed the claims as unfounded, saying that the postponements were on the request of the parties involved in the dispute or due to their unavailability.

“First Mr Hango asked for the postponement because he was to be out of the country for about three weeks,” read the statement. “Etlea Fishing and NASAWU jointly requested for postponement due to wage negotiations and lately, Mr Johannes Kapene of the African Personnel Services got sick.

“It is therefore incorrect and misleading to allege that the arbitrator was not neutral in the case at this stage, and in the absence of an Arbitration Award in this matter.”

“This is a calculated ploy aimed at influencing the outcome of the arbitration or designed to intimidate and harass the arbitrator to issue the Award in the favour of NASAWU, regardless of the evidence or facts of the case which has been adduced and presented before the arbitrator.

“Any party to the arbitration Award who is not happy with it can appeal to the Labour Court. It is therefore premature and highly irresponsible for NASAWU to jump to the conclusion of the arbitration proceedings in the absence of such award.”

The Ministry said that whether NASAWU or some of its members did not want the designated conciliators/designators in Erongo Region to hear and determine its cases or not, those conciliators/arbitrators were civil servants legally appointed and designated to hear and determine labour disputes.

It went on to say that they were deployed in terms of the Public Service Act and not on the wishes of any organization or individual and they were employees, too, in their own right, adding that the Labour Act applied to them equally as it applied to NASAWU and its members.

On minimum wages, the Ministry said that it had been on the fishing industry to come up with a collective agreement as was the case in other well organized industries such as agriculture, construction and security, but the industry had not been sympathetic to the call.

The Ministry said that it was surprised by the comments NASAWU had made, saying that the Supreme Court had ruled that to abolish labour hire practices was unconstitutional and added that it could however be regulated. The Ministry had already finalized the draft to replace Section 128 of the Labour Act. The draft was now with the tripartite Labour Advisory Council for consideration and advice.

“TUCNA of which Mr Hango is the President is a member of LAC,” said the Ministry. “It is therefore sheer dishonesty or manipulation at best for the NASAWU President to state ‘we feel that we are being neglected and the Ministry of Labour do not protect us from exploitation.’ The person who was leading the demonstration at the Ministry on the 29th September 2010, sits on the LAC on behalf of TUCNA.

“Needless to say that the position of the government when it comes to the labour high is unquestionably clear but as a country of law and order, our Supreme Court ruled otherwise and we have to accept the ruling as such.

“If it is NASAWU’s understanding that the Ministry can arrest and jail the employers who refuse to implement the wards, then that is not the legal position of our legal system as stipulated in the Labour Act.

“While we accept and welcome our social partners (employers and their trade unions, employers and their organizations) interest they have, contribution they make, and criticism in labour and employment matters, we however despise unsubstantiated utterances aimed at stirring up employees’ emotions by some trade union leaders for their own benefits while overlooking their own failures and misleading actions.

Etlea Fishing employees were dismissed on August 16 after they were initially suspended by APS.