



POLYTECHNIC
OF NAMIBIA

MEDIA RELEASE (21/2010)

THE FACTS ABOUT TRADE UNION RECOGNITION AT

THE POLYTECHNIC OF NAMIBIA

INTRODUCTION

For some time, several Trades Unions have attempted to achieve recognition as exclusive bargaining agents for Polytechnic staff. At times, some trades unions with membership in different staffing components (e.g. administrative and academic respectively), have attempted to achieve a bargaining status for all staff. This is not feasible, given the distinct conditions of service afforded to the different components.

We herewith would like to state our policy with respect to union representation.

1. GENERAL

The Polytechnic of Namibia as a public institution upholds the constitutional rights of all its personnel.

(a) Freedom of Association

The Constitution of the Republic of Namibia protects each individual's freedom of Association, which includes the right to join or not to join any association, or trade union. Freedom of association includes the right to be left alone, in particular not be forced, harassed or otherwise ushered into any membership. The Polytechnic is, therefore, neither impeding nor encouraging any of its staff members to join a trade union. However, the Polytechnic actively supports each employee's right to join a trade union of his or her own choice.

(b) No Victimization

The recognition of the Freedom of Association informs the Council of the Polytechnic's active approach to the prevention of any victimization by management, or employee, or unions. The Polytechnic will not tolerate any form of victimization or anti-union activity, and will take the necessary action against any union or employee breaking this rule.

(c) No Union activities during Working Hours

No employee of the Polytechnic is allowed to engage in union activity whatsoever during working hours. Office bearers, officials and/or other authorized representatives of a registered trade union have, upon authentication of their membership, the right of access to enter Polytechnic premises. This right of access is however limited to such hours which "are not ordinary working hours", and it is subject to provisions of the Labour Act. Management may in future negotiate access and facilities for union officials and representatives.

2. EXCLUSIVE BARGAINING AGENT

In terms of the Labour Act (2007), trade union activities on the premises of Employers are clearly delineated, and the exercise of rights of access to enter, as well as the performance of trade union functions on premises of the Employer, depend in principle upon specific agreements, or specific permissions granted by the Employer as the case may be. The legal position of trade unions under Labour Act does not cover any liberty to enter, or carry out any trade union activity on the premises of the Employer at will.

In any event, it is necessary for any trade union concerned wishing to enter and carry out any activity on the premises of the Employer to make either a proposal for an agreement or an application for the granting of permission, to the Employer, which proposal and/or application shall not un-

reasonably be refused in line with Section 65 of the Labour Act.

So far, no trade union has been formally recognized by the Polytechnic in terms of Section 64 of the Labour Act and the application for any recognition is pending.

3. DEDUCTION OF UNION MEMBERSHIP FEES

The Labour Act provides for the collection of membership fees of registered trade unions by way of deduction from remuneration of employees as spelled out in Section 60. Where employees are members of an exclusive bargaining agent, the Employer is obliged by law to deduct the union membership fees. Otherwise, the Labour Act affords the Employer a discretion, which is indicated by the Act in Section 66 (2) by the word "may". The Employer may thus decide to enter into an agreement to deduct membership fees.

This means that staff members who desire to pay trade union dues should do so directly to the trade union each month.

4. WORKPLACE UNION REPRESENTATIVES

Section 67 of the Labour Act provides for workplace union representatives to be elected by employees of a registered trade union. The election process has to satisfy the general requirements for election in a democratic process, i.e. the elections have to be free and fair, and there has to be a secret ballot.

Currently, there are no recognized workplace union representatives at the Polytechnic. In 2008, NAPWU informed the Polytechnic of the "Shop-stewards Committee Members", which had been informally elected at that time. However, in the absence of transparency of the said election, as elaborated above, and the submission of the records of an electoral process satisfying the basic requirements as set out above, the Polytechnic has not given the staff members concerned the necessary recognition.

5. CONCLUSION

The Polytechnic Council and Management have the objectives of establishing and retaining a relationship of trust and mutual understanding with its employees, and their representatives, if they choose to join a trade union.

It is expected that all parties respect the Constitution of the Republic of Namibia and the Labour Act.

Over the years, the Council of the Polytechnic has expressed its openness and willingness to recognise any trade union that meets the provisions of the Labour Act. This position was reconfirmed at its meeting earlier this month.

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Cuba to open medical center against cancer: official

HAVANA, — The Cuban Molecular Immunology Center (CIM) will open a new plant to produce therapeutic monoclonal antibodies to treat cancer, using cultured mammalian cells, an official said Monday.

The new facility was designed entirely by Cuban specialists and equipped with modern technology, which will multiply the CIM's productive capacity by 10 times, said David Curbelo Rodriguez, director of the new plant.

Curbelo added that one of the main purposes of the plant is to meet "the rising domestic demand and the growing export requirements of the monoclonal antibody 'Nimotuzumab,' used for the treatment of advanced tumors of the brain, head and esophagus."

Combined with other traditional therapeutic methods, the antibody Nimotuzumab can significantly reduce the tumor size and increase patients' life expectancy and the quality of life, said Curbelo.

"Nimotuzumab is currently registered in 25 countries and is being tested in clinics in the United States, Japan, Canada and Germany," he added.

Cuba has a solid experience in research and development of biotech drugs, mainly vaccines, registering about 400 million U.S. dollars of its exports annually. (Xinhua)



Shame on Polytechnic's refusal to recognize trade unions



Polytechnic staff members waving placards demanding that the Polytechnic should recognize and respect union activities at the institution. Photo by Levi Upula.

Different means have been devised to regulate the world of work in the past. Since the advent of industrialization and the ripening of democratic process, there has been an enactment of a wide range of legislation by different governments all over the world to regulate the world of work. Particularly, due to the need to balance the gap between the 'haves' and the 'have nots'. This is the same in the

US, other countries and Namibia is no exception. That is why the Labour Act was promulgated by the law makers to protect the interest of both employers and the poor employees in the system. The intention of the Labour Act is clearly defined as evidenced in the Labour Act of 2007.

Reference to a one page compacted document signed by the Rector, of the Polytechnic of

Namibia titled 'The facts about trade union recognition at the Polytechnic of Namibia' can be explicitly seen as a deceitful style of management at the Polytechnic of Namibia.

It is clear that the document as opined understands the existence of various sections of the Labour Act but fails to understand the intricacies of the very Act and the need for its faithful interpretation.

Apart from the fact that the document shows the malicious philosophy behind the position of the Rectorate concerning the issue in question, the document did not particularly or totally failed to take a stand on the request for recognition of a union that respects the management ideologies and stands to protect the interest of its members in the course of championing the mandate of the PON. And such document shows that the signatory to the document fails to understand that the members of the PON are not fools who do not know their right from their left. It is obvious that the signatory to the document has clearly contradicted the stipulations of the Labour Act of 2007 and has twisted the regulations to suit his dreadful deeds.

Let's take it a step at a time.....

It refers: Implicitly, the constitution of the Republic of Namibia as it protects each individual's freedom is not upheld by the leaders in PON, hence the long delay in granting the required recognition to the registered union and the individual employees silently coerced from partaking in union activities, examples of such have been seen from the frustration meted on different employees who attempted to

pioneer the course of unionism in PON.

Contrary to 1b of the document, there has been an unspoken intimidation of employees from freely belonging to the trade union of their choice..... employee is either forced to resign from her/his job when working conditions are made unbearable for such an employee, or the contract is not renewed after the expiration of the contract of employment even if it is expected to be renewed. Clear intimidation is demonstrated by the disposition of the Rectorate towards several employees in this manner, evidences can be provided!!

Reference to the 1c of the document....'no union activities during working hours' this can be regarded as contradicting to the stipulations in Section 65(1) of the Labour Act of 2007 which states that an 'employer must not unreasonably refuse access to the employer's premises to an authorized representative of a registered trade union'. The question of pertinence here is ...has the Rectorate thought of the word 'unreasonable'? Why is there a long delay in granting the established trade union in the PON the required recognition?

Has the management in any manner not 'unreasonably' refused to allow the access to the employer's premises? Has the management of the PON not unduly refused to grant the necessary recognition as stipulated in section 64, then the necessary action will be used (7) (8) (9) (10)

Meanwhile, there is no need to further expound on the rest of the document as the document has already shown the flaws in the views of the management towards the issue in question. However, the last bolded paragraph indicates that the Council of Polytechnic expresses its openness and willingness to recognize any trade union that meets the provisions of the Labour Act which can clearly be seen as totally contradictory to the deeds of the Rectorate.

Really, there is need to probe further, as to why the management of PON refuses to grant the registered trade union the necessary recognition to provide ground for the employees to have a voice in participating in the management of the PON without any form of intimidation as stipulated by various constitutional regulations in Namibia!

Ndasuunye Nayi