

# Zim experts humiliated at NBC

## Corporation back-paddles on living allowances

By Asser Ntinda

Two Zimbabwean television experts who were seconded to the Namibian Broadcasting Corporation, NBC, by that country's government through an agreement between the two countries have not been paid living allowances for five months.

Cuthline Tendai Tavagwisa and Christopher Chivinge have been working for the NBC as experts to help improve the quality of products at the Corporation, mainly working in the News and Current Affairs Department.

Tendai Tavagwisa arrived in July, while Chivinge arrived in September. They are the brains behind what the NBC Television news looks like today. Namibia and Zimbabwe have a cooperation agreement between the two countries' min-

istries of Information and Communication Technology, through which these two experts were seconded to Namibia, at the request of the NBC.

Under the agreement, the Zimbabwean government would pay their salaries, while Namibia would take care of accommodation, transport and living allowances. Tendai Tavagwisa received N\$10,000 on arrival to buy furniture and other house utensils for the house in which they are currently living.

She has never received anything since then. Chivinge has never received a cent from the NBC since his arrival at the NBC in September. At times the two had to be hosted for lunch by sympathetic colleagues at the NBC. They often politely turn down such invitations as they did not want to become a burden on others.

"If you look at what these people have done for the NBC over the past months, you would never think that they deserve to be treated and humiliated so badly like that," said one NBC employee. "It is inhuman. Zimbabwe is a sister country and we have many things in common.

"We asked for these people to come here. They deserve better. I am not a racist, but why is the NBC so fast to pay "white experts" tens of thousands of dollars at a click of a button but we are humiliating and shunning our own brothers and sisters like this? Everybody can see what these people have done for the NBC.

"The NBC has considerably improved over the past few months. Many people proudly talk about how the NBC has improved, the presentation of

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Hon. Immanuel Ngatjizeko, Minister of Labour and Social Service (centre), his deputy Hon. Petrus Iilonga (right) and Uliuala Hiveluah, Permanent Secretary of the Ministry at the press conference announcing the court ruling (Photo by Esau Muzeu).

## "We will fight on, despite court ruling"

By Immanuel Ngatjizeko

On behalf of the Government of the Republic of Namibia, and particularly, the Ministry of Labour and Social Welfare, I note our disappointment with the long-awaited judgment of the Supreme Court in the matter of *Africa Personnel Services v. Government of the Republic of Namibia* and others, declaring the ban on labour hire contained in Section 128 of the Labour Act, 2007 to be in conflict with Article 21(j) of the Namibian Constitution, which provides for the right to do business or practice a profession. It is ironic that a provision of the Namibia Constitution that was intended to eradicate apartheid practices that subjected black workers to the injustice and humiliation of job reservation, influx control and the like has now been interpreted to turn a blind eye to commercial arrangements for the rental of human labour in order to avoid the protections afforded to workers by the labour laws.

The Supreme Court has spoken. As a nation built on the rule of law, the Namibian Government respects the final author-

ity of the Supreme Court to interpret the Namibian Constitution. However, Government would be remiss if it did not exercise its constitutional right to voice its disagreement with the Court's judgment.

The Supreme Court asserts in its judgment that modern labour hire, and the contract labour system (which the Court appears to believe, erroneously, was also known as "labour hire") have very little in common because contract labour was part of the old system of apartheid, while labour hire operates under a democratic and constitutional dispensation in which both employers and employees have equal freedom of contract.

We must respectfully disagree. Although this may appear to be a valid theoretical distinction, the reality of the Namibian labour market demonstrates otherwise.

The ban on labour hire was enacted by Parliament in response to the actual situation on the ground and to the exploitation of people working under a labour system which

includes the following characteristics:

- employees have no choice of their actual employer or place of work;
- employees are referred to by those who use their labour as "bodies" with identification numbers, rather than by their names;
- sick leave, maternity leave and vacation are denied to labour hire employees under the principle of "no work no pay";
- employees may be dismissed at will without legal protection, regardless of how long they have worked for a particular client company;
- employers may ignore the Labour Act's protections for retrenched employees;
- the labour hire company and the client company may agree (and indeed have so agreed, in the contracts before the Supreme Court in the APS case) to exclude trade unions from having access to employees at their the work place, despite express provisions of the Labour Act which require that

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# Thank You

This is the last edition of Namibia Today this year. Our next edition will come out on January 22, 2010. We take this opportunity to thank all our readers and advertisers for their support throughout the year. Your contributions have made Namibia Today what it is. We value your assistance and hope to see you next year. For those who will drive, please drive carefully to avoid fatal accidents. We wish you a Merry Christmas and a Prosperous New Year.