

Annex II

**LABOUR GENERAL REGULATIONS:
LABOUR ACT, 2007 (ACT NO. 11 OF 2007)**

Annex II

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Definitions

1. In these regulations, any word or expression to which a meaning has been given in the Act bears that meaning, and unless the context otherwise indicates, “the Act” means the Labour Act, 2007 (Act No. 11 of 2007).

Portion of basic wage that may be paid in-kind and calculation of the value of in-kind payments

2. (1) The portion of the basic wage that an employer may pay to an employee in kind is an amount which does not exceed the equivalent of one-third of the employee’s basic wage.

(2) The calculation of the cash equivalent of any payment in-kind must be based on the producers’ prices of the commodities comprising the in-kind payment, or in absence of a producers’ price for any commodity, the average price of the commodity at an agriculture cooperative or wholesalers in the nearest city or town.

Written statement of particulars of monetary remuneration

3. The written statement of particulars referred to in section 11 (3) that must accompany payment of monetary remuneration to an employee must contain the matters set out Annexure 1.

Exemption from a wage order

4. (1) An application to the Minister for exemption from a wage order in terms of section 14(1) of the Act must be made on Form LM 1 set out in Annexure 2.

(2) ‘She exemption from a wage order referred to in section 14(3) of the Act must be issued on Form LM 2 set out in Annexure 2, and it must be signed by the Minister.

(3) The fee payable to the Permanent Secretary for a copy of an exemption order is N\$5 per page.

Compassionate leave

5. (1) An application for compassionate leave in terms of section 25(3) of the Act must be made on a form determined by the employer but the form must substantially correspond to Form LS 3 set out in Annexure 2.

(2) The application for compassionate leave must be made either before the applicant takes leave, or if not possible, immediately upon applicant’s return to work.

(3) An application for compassionate leave must be accompanied by a death certificate of the deceased, in case of death, or a medical certificate, in

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case of serious illness or, an affidavit of the employee testifying to the death or serious illness, or, in all cases, such other evidence of death or illness as may be acceptable to the employer.

(4) If the applicant cannot make the application before going on leave, the applicant must make reasonable efforts to notify the employer of his or her absence for compassionate reasons and the intended duration of thereof.

Election of health and safety representatives

6. (1) Whenever it is necessary in terms of section 43 of the Act to conduct an election of a health and safety representative or representatives, the election must be held in the manner prescribed in this regulation.

(2) An election for a health and safety representative must be held at least every two years, or as and when a casual vacancy or vacancies arise.

(3) An election for a health and safety representative must be held in cooperation with the exclusive bargaining agent of the employees, or, if there is none, in cooperation with the employees, and subject to the requirements set out in sub regulations (4) to (8).

(4) A committee consisting of two representatives of the exclusive bargaining agent or, if there is none, two employees, and two representatives of the employer must be established to oversee the conduct of the nominations and the election.

(5) Nominations must take place one week before the voting

(6) An employee may nominate himself or herself or any other employee to stand for election.

(7) The election must be conducted -

(a) at the employer's premises;

(b) during working hours;

(c) with a minimum disruption of the employer's operations; and

(d) by secret ballot.

(8) The ballots must be counted immediately after the voting has been concluded, and the committee must, in writing, make the results known to the employer and employees.

(9) If an employer has recognized a registered trade union as the exclusive bargaining representative of any of its employees, the employer and the trade union may agree on the manner in which the election should be conducted, subject to the requirements set out in sub regulations (4) to (8)

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(10) The trade union must retain records of the ballots cast and the names of the elected representatives for a period of two years from the date of the election.

(11) No later than two months after the election of a health and safety representative, the employer must, through an accredited company or institute, provide training for the health and safety representative in the duties of the position.

Change in constitution of registered trade union or registered employers' organization

7. (1) An application to the Labour Commissioner for a change in the constitution of a registered trade union or registered employer's organisation in terms of section 54(2)(b) of the Act must be made on Form LC 4 set out in Annexure 2 and must be accompanied by two (2) copies of

a resolution containing the wording of the change and a certificate signed by the chairperson stating that the resolution was passed in accordance with the constitution.

(2) If the Labour Commissioner approves a change in a constitution of a registered trade union or registered employers' organisation, the Commissioner must issue a certificate in terms of section 54(4)(b) of the Act on Form LC 5 set out in Annexure 2, and if it is a change of name, a new certificate of registration.

Registration of trade union or employers' association

8. (1) An application to the Labour Commissioner for registration of a trade union or employers' organisation in terms of section 57(1)(a) of the Act must be made on Form LC 6 set out in Annexure 2, and must be accompanied by three certified copies of the constitution of the trade union or employers' organisation.

(2) If the Labour Commissioner decides to register a trade union or employers' organisation in terms of section 57(3)(b) of the Act, the Commissioner must issue a certificate of registration on Form LC 7 set out in Annexure 2.

Register maintained by registered trade unions or registered employers' organization

9. The register to be maintained by registered trade unions and registered employer organisations in terms of section 60(a) of the Act must be on maintained on Form LC 8 set out in

Annual return of registered trade union or employers' organization

10. The annual return to be submitted to the Labour Commissioner in terms of section 60(e) of the Act must be on Form LC 9, and must be accompanied by a statement of income and expenditure for that year, a balance sheet showing its financial position at the end of the year, and its annual audit report prepared by a registered public accountant and auditor or an auditor approved by the Labour Commissioner.

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Request for recognition of registered trade union as exclusive bargaining agent

11. (1) A request by a registered trade union for recognition in terms of section 64(3) of the Act must be made on Form LC 10 set out in Annexure 2.

(2) Within 30 days after receiving the trade union request for recognition, the employer must, in terms of section 64(5) of the Act, notify the trade union on Form LC 11 set out in Annexure 2, that it recognises the trade union as the exclusive bargaining agent or that refuses to recognize the trade union.

(3) If the employer fails to respond to the trade union's request within 30 days or fails to recognise the trade union as an exclusive bargaining agent, the trade union may, in terms of section 64(6) of the Act, refer its request to the Labour Commissioner as a dispute on Form LC 12 set out in Annexure 2.

Notification to registered trade union to acquire majority representation

12. Notice which must be given in terms of section 64(11) of the Act by an employer to a trade union recognised as an exclusive bargaining agent, when the employer considers that the trade union no longer represents the majority of the employees in the bargaining unit, must be given on Form LC 13 set out in Annexure 2.

Election of workplace union representatives

13. (1) Where employees who are members of a registered trade union are entitled, in terms of section 67 of the Act, to elect a workplace union representative or representatives, the election must be conducted in the manner set out in this regulation.

(2) On being requested by the registered trade union, the employer must provide facilities that are reasonably necessary for conducting the election.

(3) The registered trade union must assign at least two representatives to supervise the elections.

(4) Nominations of the candidates must take place at least one week before the voting.

(5) The election must be conducted -

(a) at the employer's premises;

(b) during working hours;

(c) with a minimum disruption of the employer's operations;

(d) by secret ballot; and

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(e) in accordance with the trade union's constitution.

(6) The employer may observe the election process.

(7) The ballots must be counted immediately after the voting has been concluded, and the union must, in writing, make the results known to the employer and employees.

(8) The trade union must retain records of the ballots cast and the names of the elected workplace union representative or representatives for a period of two years from the date of the election.

Request to extend collective agreement to non-parties to the agreement

14. (1) A request to the Minister by a registered employers' organisation and a registered trade union in terms of section 71(2) of the Act that a collective agreement bind nonparties to the agreement must be made on Form LM 14 set out in Annexure 2.

(2) The notice inviting objections to the extension of the collective agreement contemplated in section 71(3)(b) of the Act must be given on Form LM 15 set out in Annexure 2.

(3) A declaration by the Minister extending a collective agreement as contemplated in section 71 (5) of the Act must be made on Form LM 16 set out in Annexure 2.

Application for exemption from extension of collective agreement

15. (1) An application to the Minister for an exemption from an extension of a collective agreement in terms of section 72(1) of the Act must be made on Form LM 17 set out in Annexure 2.

(2) An exemption from a collective agreement contemplated in section 72(2) of the Act must be made on Form LM 18 set out in Annexure 2.

Notice of commencement of strike or lockout

16. (1) A party referring a dispute to the Labour Commissioner pursuant to section 74(1) of the Act must make the reference on Form LC 21 set out in Annexure 2.

(2) Notice of the commencement of strike or lockout in terms of section 74(1)(d) of the Act by a party to a dispute must be given to the Labour Commissioner and to the other parties to the dispute on Form LC 19 set out in Annexure 2.

Appointment of conciliators and arbitrators

17. Where the Minister appoints -

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(a) a conciliator in terms of sections 82(1) or (2) of the Act, he or she must issue to the conciliator a certificate of appointment on Form LM 20 set out in Annexure 2; or

(b) an arbitrator in terms of sections 85(3) or (4) of the Act, he or she must issue to the arbitrator a certificate of appointment on Form LM 20 set out in Annexure 2.

Referral of dispute to conciliation

18. (1) A referral of a dispute to conciliation in terms of section 82(7) of the Act must be made to the Labour Commissioner on Form LC 2 1, and copies must be served on the other parties to the dispute.

(2) If the Labour Commissioner decides to refer the dispute to conciliation, the Commissioner must, in terms of section 82(3) of the Act, designate a conciliator on Form LC 22 set out in Annexure 2, to try to resolve the dispute and issue a notice of conciliation meeting on Form LC 23 set out in Annexure 2.

(3) If the parties resolve their dispute during the conciliation process, the conciliator must issue a certificate of resolved dispute on Form LC 24 set out in Annexure 2.

(4) If the parties are unable to resolve their dispute through the conciliation process, the conciliator must, in terms of section 82(15) of the Act, issue a certificate of unresolved dispute on Form LC 25 set out in Annexure 2.

Application to reverse decision of a conciliator

19. An application to the Labour Commissioner in terms of section 83(3)(a) of the Act to reverse a decision of a conciliator must be made on Form LC 26 set out in Annexure 2.

Referral of dispute to arbitration

20. (1) A referral of a dispute to arbitration in terms of section 86(1) of the Act must be made to the Labour Commissioner on Form LC 21 set out in Annexure 2.

(2) If the Labour Commissioner decides to refer the dispute to arbitration, the Commissioner must, in terms of section 85(5) of the Act, designate an arbitrator on Form LC 27 set out in Annexure 2, to try to resolve the dispute and issue a notice of hearing on Form LC 28 set out in Annexure 2.

Request for representation at conciliation or arbitration

21. A request for representation at conciliation or arbitration proceedings in terms of section 82(13) or 86(13) of the Act, respectively, must be made on Form LC 29 set out in Annexure 2.

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Application to enforce arbitration award

22. An application to a labour inspector to enforce an arbitration award in terms of section 90 of the Act must be made on Form LC 30 set out in Annexure 2.

Order to appear before a labour inspector

23. The order of a labour inspector in terms of section 125(2)(b) of the Act requiring a party to appear at a specified time, date and place for questioning must be on Form LS 31 set out in Annexure 2.

Compliance order

24. (1) A compliance order issued by a labour inspector in terms of section 126(1) of the Act must be on Form LS 32 set out in Annexure 2.

(2) On receipt of the compliance order, the party against whom the order is directed must post a full copy of the order on its premises in a location that is fully visible to the affected employees for a period of one year.

(3) A person who fails to comply with subrule (2) commits an offence and is liable to a fine not exceeding N\$10 000 or to be imprisoned for a period not exceeding two years or to both the fine and imprisonment.

Records and returns

25. (1) The records that must be kept by an employer as contemplated in section 130(1) of the Act must be kept in the form set out in Annexure 3.

(2) Information to be submitted to the Permanent Secretary as contemplated in section 130(2)(b) of the Act is as set out on Form LP 33 set out in Annexure 2.

Application for exemption or variation

26. (1) Application to the Minister, in terms of section 139 of the Act, for exemption or variation from any provision of Chapter 3 must be made on Form LM 34 set out in Annexure 2.

(2) If in terms of section 139(2) of the Act, the Minister decides to grant the application, he or she must issue a notice of exemption or variation on Form LM 35 set out in Annexure 2.

Proof of service of documents

27. Proof of service of documents in respect of conciliation or arbitration proceedings in terms of section 82(8) or 86(3) or any other provision of the Act, must be made in the form of the affidavit of service on Form LG 34 set out in Annexure 2.

Commencement of regulations

28. These regulations come into operation on 1 November 2008.

ANNEXURE 1

**REPUBLIC OF NAMIBIA
LABOUR ACT, 2007
(Section 11(3) Regulation 33**

**PARTICULARS TO BE INDICATED ON ENVELOPE OR
STATEMENT WHEN REMUNERATION IS PAID TO AN EMPLOYEE**

Note:

“basic wage” means that part of an employee’s remuneration in money including the cash equivalent of payment in-kind, if any, as calculated in terms of section 10 of the Act, paid in respect of work done during the hours ordinarily worked but does not include -

- (i) allowances, including travel and subsistence, housing, motor vehicle, transport, and professional allowances, whether or not based on the employee’s basic wage;
- (ii) pay for overtime, as defined in section 8 (g);
- (iii) additional pay for work on a Sunday or a public holiday;
- (iv) additional pay for night work, as required in terms of section 19(1);
or
- (v) payments in respect of pension, annuity or medical benefits or insurance.

“remuneration” means the total value of all payments in money or in kind made or owing to an employee arising from the employment of that employee;

The particulars that must be indicated on an envelope or statement that must accompany remuneration paid to an employee are as follows:

- (a) the name and identity number (if any) of employee;
- (b) the name postal and business address of employer;
- (c) ordinary hourly, daily, weekly, fortnightly or monthly basic wage of employee of employee;
- (d) the period in respect of which payment of such basic wage is payable;
- (e) the number of hours worked (by category) and the amount paid to the employee in respect of-

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- (i) his or her basic wage;
 - (ii) overtime;
 - (iii) night work;
 - (iv) work on Sundays;
 - (v) work on public holidays; and
 - (vi) any other remuneration or allowances;
- (f) amount due for each part of remuneration in addition to basic wage (for example, pension contribution, medical insurance);
- (g) the gross amount of remuneration payable to the employee;
- (h) the particulars and amount of any deductions from the amount referred to in paragraph (g); and
- (i) the nett amount of remuneration payable to the employee.

ANNEXURE 2

FORMS

- LM 1 Application for exemption from wage order
- LM 2 Exemption from wage order
- LS 3 Application for compassionate leave
- LC 4 Application for change in constitution of trade union or employers' organisation
- LC 5 Certificate of approval of changes to constitution
- LC 6 Application for registration of trade union or employers' organisation
- LC 7 Certificate of registration as trade union or employers' organisation
- LC 8 Register of members of trade union or employers' organisation
- LC 9 Annual return of registered trade union or employers' organisation
- LC 10 Request for recognition as exclusive bargaining unit
- LC 11 Notice of recognition or refusal of recognition by employer or employers' organisation
- LC 12 Referral of dispute concerning recognition to Labour Commissioner

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- LC 13 Notice to trade union to acquire majority representation
- EM 14 Request for extension of collective agreement
- LM 15 Invitation for objections to extension of collective agreement
- LM 16 Declaration of extension of collective agreement
- LM 17 Application for exemption from extended collective agreement
- LM 18 Exemption from extended collective agreement
- LC 19 Notice of industrial action
- LM 20 Certificate of appointment as conciliator or arbitrator
- LC 21 Referral of dispute to conciliation or arbitration
- LC 22 Designation of conciliator
- LC 23 Notice of conciliation meeting
- LC 24 Certificate of resolved dispute
- LC 25 Certificate of unresolved dispute
- LC 26 Application to reverse conciliator's decision
- LC 27 Designation of arbitrator
- LC 28 Notice of arbitration hearing
- LC 29 Request for representation at conciliation or arbitration in terms of section 82(13) or 86(13)
- LS 30 Application to labour inspector to enforce arbitration award
- LS 31 Order to appear before labour inspector
- LS 32 Compliance order of labour inspector
- LP 33 Form in which information is submitted to the Permanent Secretary
- LM 34 Application for exemption or variation from Chapter 3
- LM 35 Declaration of exemption or variation from Chapter 3
- LG 36 Proof of service of documents

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 14(1) (Regulation 4(1)))

APPLICATION FOR EXEMPTION FROM WAGE ORDER

Instructions: Attach hereto the following documents:

- 1. A detailed statement in support of the application, including: a description of the business and workforce of the Applicant; the geographical area covered; the applicable wages and conditions of employment of the employees sought to be exempted; a comparison of the wages and conditions of applicant's employees with the wages and conditions of employment required by the wage order; and the reasons for requesting the exemption.**

- 2. A copy of the wage order from which exemption is sought.**

1. Full name of the Applicant: _____
2. Physical Address: _____
3. Postal Address: _____
4. Phone: _____ Fax: _____
5. E-mail: _____
6. Sector/industry: _____
7. Name and date of the wage order from which exemption is sought:

Representative/Applicant (print name and sign)

Position

Date: _____

To: Minister of Labour and Social Welfare
32 Mercedes Street
Private Bag 19005
KHOMASDAL

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 14(3) (Regulation 4(2))

EXEMPTION FROM WAGE ORDER

I, _____, acting in my capacity of Minister of Labour and Social Welfare, hereby exempt (full name of the Applicant(s): _____ located at (physical address _____

from compliance with the wage order in respect of the _____ industry dated _____, as follows:

1. The exemption applies to: (strike one) all the employer's employees/ the employer "(category of employees) _____ employees;

2. The exemption is subject to the following conditions: _____

3. The exemption will be in effect from _____ 20 _____ until _____ 20 _____.

(signed) _____
Minister of Labour and Social Welfare

Date: _____

To: (Name and address of applicant)

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 25(3)) (Regulation 5(1))

APPLICATION FOR COMPASSIONATE LEAVE

Instructions:

1. An employee is entitled to a maximum of 5 days' compassionate leave each year in the event of a serious illness or death of a spouse, parent, child, brother or sister or mother-in-law or father-in-law.
2. Employee must submit this application before departing for compassionate leave, or, if this is not possible, must submit this application immediately upon return to work.
3. If the application is not submitted prior to the leave, the employee is expected to inform the employer of the absence as soon as possible.
4. Upon return from leave, the employee must submit a certified copy of the medical certificate as to the serious illness or of the death certificate or other acceptable proof of death or illness.

1. Name of employee _____ Position _____

2. Address _____

3. Phone _____

4. I hereby apply for compassionate leave on account of

a. The serious illness of my _____ (relationship)

b. The death of my _____ (relationship)

5. Period of leave _____ 20 ____ to _____ 20 ____

6. Contact details during leave (Address and phone) _____

Print name and sign _____

Date _____

Application approved / not approved (strike one)

Employer" representative (print name and sign)

Date: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 54(2)(b) (Regulation 7(1))

APPLICATION FOR CHANGE OF CONSTITUTION OF REGISTERED
TRADE UNION AND EMPLOYERS ORGANISATION

Instructions: Attach hereto the following documents:

- 1. 2 certified copies of resolution of Applicant containing the wording of the changes;**
- 2. a certificate signed by the Applicant's chairperson stating that the resolution was passed in accordance with its constitution.**

1. Full name of Trade Union or Employers' Organisation: _____

2. Physical Address: _____
3. Phone: _____ Fax: _____
4. Postal Address: _____
5. E-mail address: _____
6. Section(s) or article(s) proposed to be changed: _____

I certify that the above particulars are true and correct.

Representative of Applicant (print name and sign)

Position

Date: _____

To: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 54(4)(b)) (Regulation 7(2))

CERTIFICATE OF APPROVAL OF CHANGES TO CONSTITUTION

I, _____ , in my capacity as the Labour
Commissioner, hereby certify that I have approved the proposed amendment(s) to
the Constitution of _____
(full name of Trade Union or Employers' Organisation) date _____
_____ 20 _____ , a copy of which are attached hereto.

(Signature) _____
Labour Commissioner

Date: _____ 20 _____ .

To: (Name of trade union) _____

(Full Address) _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 57(3)(b)) (Regulation 8(2))

CERTIFICATE OF REGISTRATION AS TRADE UNION OR EMPLOYERS'
ORGANISATION

This is to certify that

has been registered as a trade union/employers' organisation

IN THE REPUBLIC OF NAMIBIA

with effect from _____

Labour Commissioner

Date: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 60(a)) (Regulation 9)

REGISTER OF MEMBERS OF REGISTERED TRADE UNION
OR REGISTERED EMPLOYERS' ORGANISATION

Instruction: Every registered Trade Union and Employers' Organization must maintain the following register:

1. Full name of Trade Union or Employers' Organisation: _____

2. Number of members in good standing as of 1 January of the current _____ year ____ 20: _____.

3. Attached hereto is a list of the present members of the Trade Union or Employers' Organisation as of 1 January 20 ____, containing the following particulars in respect of each employee:
 - 3.1 Full name: _____
 - 3.2 Address: _____
 - 3.3 Place of employment: _____
 - 3.4 Date of initial membership: _____

4. Attached hereto is a list of office-bearers and officials of the Trade Union or Employers' Organisation, containing the following particulars in respect of each office-bearer or employee:
 - 4.1 Full name: _____
 - 4.2 Address: _____
 - 4.3 Place of employment: _____
 - 4.4 Position: _____
 - 4.5 Date of election or appointment: _____

I certify that the above information is true and correct.

Representative of Trade Union/Employers'
Organisation (print and sign)

Position

Date: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 60(e)) (Regulation 10)

ANNUAL RETURN OF REGISTERED TRADE UNION
OR EMPLOYERS' ORGANISATION

Instructions: Attach hereto the original or certified copies of the following documents:

1. the Statement of Income and Expenditure;
2. the Balance Sheet showing the financial position at the end of the Financial Year; and
3. the latest audit report from a certified auditor or auditor approved by the Labour Commissioner.

1. Full name of Trade Union or Employers' Organisation: _____

2. Physical Address: _____
3. Phone: _____ Fax: _____ E-mail _____
4. Postal Address: _____
5. Financial Year: _____
6. Name of Auditor: _____
7. Physical Address: _____
8. Phone: _____ Fax: _____ E-mail _____
9. Postal Address: _____

Representative of Trade Union/Employers'
Organisation (print name and sign)

Position

Date: _____

To: (name and address of trade union)

Copy to: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 64(3)) (Regulation 11(1))

REQUEST FOR RECOGNITION AS EXCLUSIVE BARGAINING AGENT

Instructions:

- 1. **Attach hereto a copy of trade union registration certificate;**
- 2. **Send of proof of service of this request upon the employer or employers' organization to the Labour Commissioner.**

1. Full name of Trade Union seeking recognition: _____

2. Physical Address: _____

3. Postal Address: _____

4. Phone: _____ Fax: _____

5. E-mail: _____

6. Description of Bargaining Unit for which recognition is sought, specifying whether the unit is company-wide or departmental or covers specified categories of employees: _____

7. Number of employees in the Bargaining Unit: _____

8. A majority of the employees in the above-described bargaining unit desire to be represented by the above-mentioned union as their exclusive bargaining representative.

9. The employer must reply to this request within thirty days of receipt thereof in the form of Form LC 11.

Representative of Trade Union (print name and sign)

Position

Date: _____

To: (name and address of trade union)

Copy to: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 64(5)) (Regulation 11(2))

NOTICE OF RECOGNITION OR REFUSAL OF RECOGNITION BY
EMPLOYER OR EMPLOYERS' ORGANISATION

Instruction: If the Employer/Employers' Organization rejects the Request,
it must provide reasons and attach them to this Notice.

- 1. Full name of the Employer/Employers' Organisation:
2. Physical Address:
3. Postal Address:
4. Phone: Fax:
5. E-mail:
6. Date on which the Request was received:
7. Description of Bargaining Unit which recognition was sought:
8. Recognition granted / rejected (reasons for rejection attached).

Representative of Employer/Employers' Organisation
(print name and sign)

Position

Date:

To: (name and address of trade union)

Copy to: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 64(6)) (Regulation 11(3))

REFERRAL OF DISPUTE CONCERNING RECOGNITION TO LABOUR
COMMISSIONER

Instruction: Attach hereto copies of the Trade Union’s Request for Recognition and the Employer’s Rejection, if any.

- 1. Full name of Trade Union: _____
- 2. Physical Address: _____
- 3. Phone: _____ Fax: _____ E-mail: _____
- 4. Postal Address: _____
- 5. Full name of Employer / Employers’ Organisation: _____
- 6. Physical Address: _____
- 7. Postal Address: _____
- 8. Phone: _____ Fax: _____ E-mail: _____
- 9. Date on which Trade Union requested recognition ____ 20 ____ .
- 10. Date on which employer rejected recognition (if applicable) ____ 20 ____ .
- 11. The Employer has not replied to complainant within 30 days of its receipt of complainant’s request for recognition. (Check if applicable) _____
- 12. Description of Dispute: _____

I certify that the above information is true and correct.

Representative of Trade Union (print name and sign)	Position
--	----------

Date: _____

To: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

Copy to: (other party or parties to the dispute)

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 64(11)) (Regulation 12)

NOTICE TO TRADE UNION TO ACQUIRE MAJORITY REPRESENTATION

Instruction: Send a copy of proof of service of this Notice to the 'Trade Union in the form of Form LG 36 to the Labour Commissioner.

- 1. Full name of Employer / Employers' Organisation:
2. Physical Address:
3. Postal Address:
4. Phone: Fax: E-mail:
5. Full name of Trade Union:
6. Physical Address:
7. Postal Address:
8. Phone: Fax: E mail:
9. I/we am of the opinion that the Trade Union no longer represents the majority of employees in the recognized bargaining unit, for the following reason(s):
10. The Trade Union is hereby notified to acquire a majority in the Bargaining Unit with effect from to 20

Representative of Employer/Employers' Organisation (print name and sign)

Position

Date:

To: (name and address of trade union)

Copy to: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

**LABOUR ACT, 2007
(Section 71(2)) (Regulation 14(1))**

REQUEST FOR EXTENSION OF COLLECTIVE AGREEMENT

Instructions:

- 1. Attach hereto a duly signed copy of the collective agreement.**
- 2. This request must be signed by both parties to the collective agreement.**

1. Full address of the Employer/Employers' Organisation: _____

2. Full address of the Trade Union: _____

3. The undersigned parties request the Minister to extend the Collective Agreement to be binding upon all employers and employees in the _____ industry or sector.

 Representative of Employer/Employer's Organisation (print name and sign)

 Position

Date: _____

 Representative of Trade Union(s) (print name and sign)

 Position

Date: _____

 Representative of Trade Union(s) (print name and sign)

 Position

Date: _____

To: Minister of Labour and Social Welfare
 32 Mercedes Street
 Private Bag 19005
 KHOMASDAL

REPUBLIC OF NAMIBIA
Ministry of Labour and Social Welfare

LABOUR ACT, 2007
(Section 71(3)(b)) Regulation 14(2))

INVITATION FOR OBJECTIONS TO EXTENSION OF COLLECTIVE
AGREEMENT:

_____ INDUSTRY

- I. This is to inform the public that the (names of parties to the collective agreement) _____ and _____
_____ have applied to the Minister of Labour and Social Welfare in terms of Section 71(2) of the Labour Act 2007 (Act No. 11 of 2007) to extend their collective agreement dated _____ 20_____, which is set out in the Schedule, to apply to all employers and employees in the _____
_____ industry who are not presently parties to the aforesaid agreement.

2. Anyone who wishes to object to the extension of the agreement, in whole or in part, must deliver a written statement setting forth the reasons for the objection to the office of the Minister at the Ministry of Labour and Social Welfare, 32 Mercedes Street, Khomasdal, within 30 days from the date of this notice, or send the written statement by mail to the Minister of Labour and Social Welfare, Private Bag 19005, Khomasdal or by facsimile to the Minister at 210047, in time to reach the Minister within thirty days after the date of this notice.

REPUBLIC OF NAMIBIA
Ministry of Labour and Social Welfare

LABOUR ACT, 2007
(Section 71(5)) (Regulation 14(3))

DECLARATION OF EXTENSION OF COLLECTIVE AGREEMENT:

_____ INDUSTRY

Under Section 71(5) of the Labour Act, 2007 (Act No. 11 of 2007), and at the request of (names of parties to the collective agreement) _____

_____ and

_____, I hereby

declare that the provisions of the collective agreement date _____ 20 ____
and set forth in the Schedule are extended to all employers and employees in the
_____ industry.

Minister

Date _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 72(1)) (Regulation 15(1))

APPLICATION FOR EXEMPTION FROM EXTENDED COLLECTIVE
AGREEMENT

Instructions:

1. **This Application must be accompanied by a detailed statement in support thereof including a description of the business and workforce of the Applicants, the geographical area covered, the applicable wages and conditions of employment; a comparison with the wages and conditions of employment required by the extended agreement, and the reasons for requesting the exemption.**
2. **Attach additional sheets, if necessary.**

1. Full name of the Applicant: _____
2. Physical Address: _____
3. Postal Address: _____
4. Phone: _____ Fax: _____ E-mail: _____
5. Sector/Industry : _____
6. Date of the collective agreement from which Exemption is sought: _____
7. Names and addresses of the parties to the collective agreement:
 - 7.1 _____

 - 7.2 _____

Applicant (print name and sign)

Position

Date: _____

To: Minister of Labour and Social Welfare
32 Mercedes street
Private bag 19005
WINDHOEK

Copy to: Each party to the agreement

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 72(2)) (Regulation 15(2))

EXEMPTION FROM EXTENDED COLLECTIVE AGREEMENT

I, _____, acting in my capacity of Minister of Labour and Social Welfare, hereby exempt (full name of the Applicant(s): _____ located at (physical address: _____ from compliance with the collective agreement between _____ and _____ date _____ 20 _____, which the Minister extended to all employers and employees in the industry by Government Notice _____ date _____ 20 _____, as follows:

- 1. The exemption applies to: (strike one) all the employer's employees/the employer's (state category of categories of employees) _____ employees;
2. The exemption is subject to the following conditions: _____
3. The exemption will be in effect from _____ 20 _____ until 20 _____.

(signed) _____
Minister of Labour and Social Welfare

Date: _____

To: (applicant)

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 74(1)(d)) (Regulation 16(2))

NOTICE OF INDUSTRIAL ACTION

Instructions:

- 1. The Notifying trade union or employers' organization must serve this Notice on the Labour Commissioner and on the other Party or Parties to the dispute,
2. A copy of the rules regulating the conduct of strike or lockout, if any, should accompany this notice.
3. If there are additional parties, attach additional sheets.

- 1. Full name of the Notifying Party:
2. Physical Address:
3. Postal Address:
4. Phone: Fax: E-mail:
5. Full name of other party or parties to the Dispute:
6. Physical address:
7. Postal Address:
8. Phone: Fax: E-mail:
9. Date on which Conciliation started:
10. Date on which Conciliation failed:
11. The industrial action in the form of: Strike Lockout will commence on 200 at hours.
12. Location (part of establishment) of industrial action:

(print name and sign) Representative of the Notifying Party Position

Date:

To: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

To: (other party to the dispute)

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 82(1) or ((2) and 85(3) or (4) (Regulation 17)

CERTIFICATE OF APPOINTMENT OF CONCILIATOR OR ARBITRATOR

This is to certify that I have appointed

as a conciliator/arbitrator in terms of Section 82(1)/82(2)/ 85(3)/85(4)
of the Labour Act, 2007 (Act No. 11 of 2007).

Minister

Dated: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007

(Section 82(7) and section 86(1) (Regulation 16(1), Regulation 18(1) and Regulation 20(1))

REFERRAL OF DISPUTE TO CONCILIATION OR ARBITRATION

Instructions: A summary of the dispute must be attached hereto stating the subject matter and the facts and circumstances that gave rise to the dispute. It must also contain information on the steps that have been taken to resolve or settle such dispute.

- 1. Full name of the Applicant:
2. Physical Address:
3. Postal Address:
4. Phone: Fax: E-mail:
5. Full name of the Respondent:
6. Physical Address:
7. Postal Address:
8. Phone: Fax: E-mail:
9. Nature of Dispute:

- Unfair Dismissal
- Organisational Rights
- Unilateral Change of Terms and Conditions
- Interpretation/Application of Collective Agreement
- Freedom of Association
- Unfair Discrimination
- Unfair Labour Practice
- Dispute of Interest
- Severance Package
- Disclosure of Information
- Refusal to Bargain
- Other (specify please)

10. Date on which the dispute arose: 20 .

Representative of the Applicant (print name and sign) Position

Date:

To: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

Copy to: other party or parties to the dispute

Three horizontal lines for additional copy recipients.

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 82(3) (Regulation 18(2))

CASE NO: _____

DESIGNATION AS CONCILIATOR

In the matter between:

and

Applicant

Respondent

Date of referral of dispute: _____ 20____ .

TO: _____

PLEASE TAKE NOTICE that you are herewith designated in terms of section 82(3) of the Labour Act, 2007 (Act No. 11 of 2007) to conciliate the abovementioned matter.

PLEASE TAKE FURTHER NOTICE that this matter is set down for a meeting on _____ 20 _____ at (time) _____ at (venue) _____

You are required to attempt to resolve the dispute through conciliation within:

- o 30 days of the date on which the Labour Commissioner received the referral of the dispute;
- or
- o Any longer period agreed in writing by the parties,

You are furthermore required to determine how the conciliation is to be conducted and may require that further meetings be held within the period contemplated in section 82(10).

Date: _____ 20 ____ .

Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 82(3) (Regulation 18(2))

NOTICE OF CONCILIATION MEETING

In the matter between:

Applicant
Respondent

TAKE NOTICE that this matter is set down for a (cross out whichever is inapplicable) conciliation meeting/arbitration hearing before ... on the ... day of ... 20 ... at ... o'clock am/pm at ... located at ...

- * If you do not speak English and need an interpreter, kindly inform the Labour Commissioner at least 5 days prior to the date of hearing.
* You may require the Labour Commissioner to subpoena witnesses and/or to compel the production of relevant 'books, documents or papers by filing a notice on the prescribed form prior to the meeting/hearing
* Postponements may be granted without the need for the parties to appear if:
o all parties agree in writing and notify the conciliator/arbitrator.
o a written request for a postponement has been received by the designated conciliator/arbitrator at least ten days before the commencement of the meeting/hearing and the conciliator/arbitrator has granted the request meeting/hearing.
* A formal request for a postponement may be made at the commencement of the meeting/hearing.

Date: ... 20

Labour Commissioner
249-582 Richardine Kloppers Street-Khomasdal
Private Bag 13367
WINDHOEK

To: (1) (name of applicant)
(address)
(2) (name of respondent)
(address)

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Regulation 18(3))

CASE NO:

CERTIFICATE OF RESOLVED DISPUTE

In the matter between:

and **Applicant**
Respondent

1. Date of referral of dispute: _____ 20 ____.
2. Date on which dispute arose: _____ 20 ____.
3. Dates of conciliation meetings: _____.
4. Nature of the dispute (check applicable category or categories):

<ul style="list-style-type: none"> - Unfair Dismissal - Organisational Rights - Unilateral Change of Terms and Conditions - Interpretation/Application of Collective Agreement - Freedom of Association - Unfair Discrimination 	<ul style="list-style-type: none"> - Unfair Labour Practice - Dispute of Interest - Severance Package - Disclosure of Information - Refusal to Bargain - Other (specify please)
---	---
5. Representatives of the parties:
 - 5.1 (referring party) _____
 - 5.2 (respondent) _____

The parties herein reached a full and final settlement. A copy of the settlement agreement is attached hereto.

Date: _____ 20 ____.

Place: _____

Conciliator
Office of the Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 82(15) (Regulation 18(4))

CASE NO:

CERTIFICATE OF UNRESOLVED DISPUTE

In the matter between:

and

Applicant

Respondent

1. Date of referral of dispute _____ 20 ____ .
2. Date on which dispute arose _____ 20 ____ .
3. Dates of meetings: _____
4. Nature of the dispute (check applicable category or categories):

<ul style="list-style-type: none"> - Unfair Dismissal - Organisational Rights - Unilateral Change of Terms and Conditions - Interpretation/Application of Collective Agreement - Freedom of Association - Unfair Discrimination 	<ul style="list-style-type: none"> - Unfair Labour Practice - Dispute of Interest - Severance Package - Disclosure of information - Refusal to Bargain - Other (specify please)
---	---
5. Representatives of the parties:
 - 5.1 (referring party) _____
 - 5.2 (respondent) _____

The parties herein failed to reach an agreement.

Date: _____ 20 ____ .

Place: _____

 Conciliator
 Office of the Labour Commissioner
 249-582 Richardine Kloppers Street-Khomasdal
 Private Bag 13367
 WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 83(3)(a) (Regulation 19)

CASE NO:

APPLICATION TO REVERSE CONCILIATOR'S DECISION

Instruction: The Applicant must attach a statement providing reasons for Applicant's failure to attend conciliation meeting (attach documentary proof, where applicable).

- 1. Full name of the Applicant Party: _____
- 2. Physical Address: _____
- 3. Postal Address: _____
- 4. Phone: _____ Fax: _____ E-mail: _____
- 5. Full name of the other party or parties to the dispute: _____

- 6. Physical Address: _____
- 7. Postal Address: _____
- 8. Phone: _____ Fax: _____ E-mail: _____

Representative/Applicant (print name and sign)	Position
---	----------

Date: _____

To: Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

Copy to: other party to the dispute

Annex II

APPLICATION TO REVERSE CONCILIATOR'S DECISION
PAGE 2

FOR THE LABOUR COMMISSIONER ONLY:

9. Application is granted for the following reasons:-

10. Application is rejected for the following reasons:

Full Name and Signature

Date:

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 85(5) (Regulation 20(2))

CASE NO: _____

DESIGNATION OF ARBITRATOR

In the matter between:

Applicant

and

Respondent

Date of referral of dispute: _____ 20 ____ .

TO: _____

PLEASE TAKE NOTICE that you are herewith designated in terms of section 85(5) of the Labour Act, 2007 (Act No. 11 of 2007) to arbitrate the abovementioned matter.

PLEASE TAKE FURTHER NOTICE that this matter is set down for a hearing on 20 _____ at (time) _____ at (venue) _____

You are required to attempt to resolve the dispute through arbitration within:

- o 30 days of the date on which the Labour Commissioner received the referral of the dispute;
- or
- o Any longer period agreed in writing by the parties.

You are furthermore required to determine how the arbitration is to be conducted and may require that further meetings be held within the period contemplated in section 86(6).

Date: _____ 20 ____ .

Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 86(4) (Regulation 20(2))

NOTICE OF CONCILIATION MEETING OR ARBITRATION HEARING

In the matter between:

Applicant

and

Respondent

TAKE NOTICE that this matter is set down for an arbitration hearing before _____
_____, on the _____ day of _____ 20_____ at
_____ o'clock am/pm at _____
_____, located at _____

- * If you do not speak English and need an interpreter, kindly inform the Labour Commissioner at least 5 days prior to the date of hearing.
- * You may require the Labour Commissioner to subpoena witnesses and/or to compel the production of relevant books, documents or papers by filing a notice on the prescribed form prior to the meeting/hearing
- * Postponements may be granted without the need for the parties to appear if:
 - o all parties agree in writing and notify the arbitrator.
 - o a written request for a postponement has been received by the designated arbitrator at least ten days before the commencement of the hearing and the arbitrator has granted the request.
- * A formal request for a postponement may be made at the commencement of the meeting/hearing.

Date: _____ 20 _____

Labour Commissioner
249-582 Richardine Kloppers Street-Khomasdal
Private Bag 13367
WINDHOEK

To: (1) (name of applicant) _____
(address) _____
(2) (name of respondent) _____
(address) _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 82(13) and 86(13) (Regulation 21)

REQUEST FOR REPRESENTATION AT CONCILIATION OR
ARBITRATION IN TERMS OF SECTION 82(13) OR 86(13)

Instructions:

Attach hereto the following documents:

- 1. (if applicable) the parties' signed agreement to representation of the party or both parties a legal practitioner or other person, including the name, address and other pertinent contact details of the proposed representative;
2. if representation by a legal practitioner is requested, a statement of the reasons that the dispute is of such complexity that it is appropriate for applicant (s) to be represented by a legal practitioner(s) and if the parties have not agreed to legal representation, the reasons that such representation will not prejudice the other party.
3. if representation by another person is requested, a statement as to how the proposed representation will facilitate the effective resolution of the dispute or the attainment of the objects of the Act, and if the parties have not agreed to the representation, the reasons that such representation will not prejudice the other party.

- 1. Full name of the Applicant:
2. Physical Address:
3. Postal Address:
4. Phone: Fax: E-mail:
5. Full name of the other party to the dispute:
6. Physical Address:
7. Postal Address:
8. Phone: Fax : E-mail:
9. The dispute arose on: 20 at (place)
10. The dispute is in the: (sector or industry)
11. The nature of dispute: Right Interest
12. Full particulars of the legal practitioner(s) for whom permission is sought:
Applicant's proposed representative
12.1 Mr/Mrs/Ms
12.2 Postal Address:
12.3 Phone: Fax: E-mail:
12.4 if legal practitioner, date of admission to the High Court of Namibia 20
12.5 If representation is sought by a non-legal practitioner, stated position and relationship to applicant, if any

Annex II

REQUEST FOR REPRESENTATION AT CONCILIATION OR ARBITRATION
PAGE 2

Other party's proposed representative

12.6 Mr/Mrs/Ms: _____

12.7 Postal Address: _____

12.8 Phone: _____ Fax: _____ E-mail: _____

12.9 If legal practitioner, date of admission to the High Court of Namibia
_____ 20 ____ .

12.10 If representation is sought by non-legal practitioner, state position and
relationship to party, if any _____

Representative/Applicant (print name and sign) Position

Date: _____

To: (Name of conciliator/arbitrator)
Labour Commissioner
249-582 Richardine Kloppers Street - Khomasdal
Private Bag 13367
WINDHOEK

Copy to: other party or parties to the dispute

REQUEST FOR REPRESENTATION AT CONCILIATION OR
ARBITRATION FOR THE CONCILIATOR/ARBITRATOR:

13. State the reasons for permitting or refusing the representation: _____

14. Conditions, if any, on which representation is permitted: _____

Conciliator/Arbitrator (print name and sign)

Date: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 90) (Regulation 22)

APPLICATION TO LABOUR INSPECTOR TO ENFORCE ARBITRATION AWARD

Instructions: Attach hereto the following documents:

- 1. original or a certified copy of the arbitration award
2. if the arbitrator awarded the payment of money to applicant, copy or copies of employee's payslip(s) showing applicable rate(s) of wages and benefits during the period covered by the arbitration award worksheet showing the applicant's calculations of the monies due.

- 1. Full name of applicant party to arbitration (individual/Trade Union/Employer):
2. Physical Address:
3. Phone: Fax: E-mail:
4. Full name of respondent party to arbitration:
5. Physical Address:
6. Phone: Fax: E-mail:
7. Postal Address:
8. E-mail:
9. Name of arbitrator:
10. Date of arbitration award:
11. Total amount due to employee (if applicable):

I certify that the above particulars are true and correct.

Applicant/Representative Applicant
(print name and sign)

Position

Date:

To: Permanent Secretary
Ministry of Labour and Social Welfare
32 Mercedes Street Khomasdal
Private Bag 19005
WINDHOEK

Attention: Director
Labour Services

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 125(2)(b)) (Regulation 23)

ORDER TO APPEAR BEFORE LABOUR INSPECTOR

To: _____

You are hereby ordered to appear before _____, a labour inspector, _____ on _____ 20_____ at _____ o'clock at _____ in order to answer questions concerning the complaint of _____ registered with the Ministry of Labour and Social Welfare, which alleges that _____ has violated or is violating Sections _____ of the Labour Act, 2007 (Act No. 11 of 2007) by _____

You are further ordered to bring with you for inspection and copying the following books, documents and/or objects: _____

Please be advised that the failure to comply with this request is an offence for which you may be punished by a fine not exceeding N\$10,000 or imprisonment not exceeding 2 years, or both.

Labour Inspector (print name and sign)

Dated: _____ 20 _____ .

_____ (place)

Received by: _____ (print name) Signature _____

Date: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 126(1)) (Regulation 24)

COMPLIANCE ORDER OF LABOUR INSPECTOR

Instructions:

- 1. The compliance order can be directed against an individual employer, a company or a partnership. The Labour Inspector should direct the compliance order to the employer accordingly. If the employer is a company, the company can be cited. If the employer is a partnership, each partner should be cited.**
- 2. Attach additional sheets if needed.**
- 3. After serving this document upon the employer, the labour inspector must complete an affidavit of service.**

To: (Full name, title and address of party to whom compliance order is directed):

1. Following an inspection conducted by the undersigned, a labour inspector duly appointed in Items of Section 124(1) of the Labour Act, 2007 (Act No. 11 of 2007) on _____ 20 ____
at _____ your premises located at _____
I have reasonable grounds to believe that you/your company have violated the provisions of the Act set forth below.

2. I find that you/your company have violated the following sections of the Act, based upon the facts set out in relation to each violation:

a) Section _____. Relevant facts: _____

b) Section _____. Relevant facts: _____

Annex II

COMPLIANCE ORDER
PAGE 2

c) Section _____ . Relevant facts: _____

d) Section _____ . Relevant facts: _____

3. You are hereby ordered to take the following action to remedy each of the above-mentioned violations, within thirty days of receipt of this compliance order:

a) _____

b) _____

c) _____

d) _____

4. You must post a full copy of this order on your premises in a location that is fully visible to the affected employees.

5. Failure to comply with this compliance order constitutes an offence in terms of section 127(1)(d) of the Act, which is punishable by a fine not exceeding N\$10,000 or imprisonment for a period not exceeding two years or both.

6. Should you wish to appeal this order, you may note an appeal to the Labour Court in terms of section 126(3) of the Act.

(print name and sign): _____ Labour Inspector. Date: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 130(2)(b)) (Regulation 25(2))

FORM IN WHICH INFORMATION IS SUBMITTED TO THE PERMANENT
SECRETARY

Instruction: **The following particulars must be submitted in respect of each employee who is not a Namibian citizen:**

- (a) the name, nationality, date and place of birth of such employee;
- (b) the date of employment of such employee;
- (c) the capacity in which such employee is employed;
- (d) the period of the contract of employment of such employee (if any);
- (e) a full description of academic; technical or professional qualifications and any special expertise of such employee; and
- (f) the number and date of the issuance of any permit in relation to such employee and the date of expiry of such permit.

REPUBLIC OF NAMIBIA

LABOUR ACT, 2007
(Section 139) (Regulation 26(1))

APPLICATION FOR EXEMPTION OR VARIATION FROM CHAPTER 3

Instructions: Attach hereto a detailed statement supporting the proposed exemption(s) or variation(s) of one or more of the Basic Conditions of Employment, including:

1. Sections or subsections for which you seek exemption and the reasons therefor;
2. Sections or subsections that you propose to vary, if any, the proposed language for each variation, and the reasons therefor;
3. Specification of employees or categories of employees that would be affected by exemption or variation; and
4. Written submission on behalf of affected employees, or, if not possible, evidence of consultation with employees, reflecting their views of each of the proposed exemptions or variations.

1. Name of applicant _____
2. Address _____
3. Sections of the Labour Act, 2007, from which exemption or variation is sought.
4. Category or categories of employees that would be affected by exemption or variation.

Representative Applicant (print name and sign)

Position

Date: _____ 20 ____.

REPUBLIC OF NAMIBIA

**LABOUR ACT, 2007
(Section 139(2)) (Regulation 26(2))**

DECLARATION OF EXEMPTION OR VARIATION FROM CHAPTER 3

I, _____, acting in my capacity of Minister of Labour and Social Welfare, hereby

1. exempt (full name of the Applicant(s)): _____
located at (physical address: _____) from compliance with the Sections of Chapter 3, Basic Conditions of Employment, set forth below in respect of the following categories of employees and subject to the following conditions, if any:

- 1.1. _____
- 1.2. _____
- 1.3. _____
- 1.4. _____
- 1.5. _____

2. vary the Sections of Chapter 3, Basic Conditions of Employment as set forth below, in respect of the following categories of employees and subject to the following conditions, if any:

- 2.1. _____
- 2.2. _____
- 2.3. _____
- 2.4. _____
- 2.5. _____

3. This exemption or variation is effective from _____ 20 ____ to _____ 20 ____.

(signed) _____
Minister of Labour and Social Welfare

Date: _____

REPUBLIC OF NAMIBIA

LABOUR ACT, 207
(Section 82(8) and 86(3) (Regulation 27)

PROOF OF SERVICE OF DOCUMENTS

Instructions:

- 1. This document must be sent to the Labour Commissioner, with a copy of the document(s) served attached hereto.
2. A copy of this document must be sent to every other party.

In the matter between:

Applicant

and

Respondent

AFFIDAVIT OF SERVICE

I _____, do hereby certify that on the _____ day of ____ 20____ at _____ (time) I duly served the following document(s) _____ (describe the document(s) served) in the following manner:

(Circle applicable references in (a), (b) (c) or (d) as appropriate).

- (a) By handing a copy to _____ (full name of the person served) the applicant / appellant / respondent / a person apparently not less than 16 years of age and employed at the applicant's / appellant's / respondent's place of business / local / main office and he / she duly signed the attached copy/refused to sign a copy thereof;
(b) By sending a copy by registered post to _____ (full name of the person served) the applicant / appellant / respondent at _____ (state the postal address) and I annex hereto the certificate of posting;
(c) By sending a copy by fax to _____ (full name of the person served) the applicant / appellant / respondent at the following number _____ (state telephone number and code) and I annex hereto the transmission confirmation slip;
(d) By serving the document in accordance with the directions of the Labour Commissioner, as follows: _____

Annex II

PROOF OF SERVICE
PAGE 2

Date at _____ this _____ day of _____ 20 ____ .

Signature of deponent _____

Before administering the prescribed oath/affirmation, I put the following questions to the deponent and noted his/her reply in his/her presence:

- (a) Do you know and understand the contents of this affidavit/solemn declaration?
Reply: _____
- (b) Do you have any objection to the taking of the oath?
Reply: _____
- (c) Do you regard the prescribed oath as binding on your conscience?
Reply: _____

This affidavit/solemn declaration was duly sworn to/affirmed before me and the deponent signed it in my presence at _____

on the _____ day of _____ 20 ____ .

Commissioner of Oaths

Full name _____

DATE STAMP

Designation _____

Address _____

To: Labour Commissioner
249-582 Richardine Kloppers Street-Khomasdal
Private Bag 13367
WINDHOEK

ANNEXURE 3

LABOUR ACT, 2007
(Section 130(1)) (Regulation 25(1))

**RECORDS TO BE KEPT BY EMPLOYERS
AT AN ADDRESS IN NAMIBIA**

Note:

“basic wage” means that part of an employee’s remuneration in money including the cash equivalent of payment in kind, if any, as calculated in terms of section 10, paid in respect of work done during the hours ordinarily worked but does not include -

- (i) allowances, including travel and subsistence, housing, motor vehicle, transport, and professional allowances, whether or not based on the employee’s basic wage;
- (ii) pay for overtime, as defined in section 8 (g);
- (iii) additional pay for work on a Sunday or a public holiday;
- (iv) additional pay for night work, as required in terms of section 19(1); or
- (v) payments in respect of pension, annuity or medical benefits or insurance.

“remuneration” means the total value of all payments in money or in kind made or owing to an employee arising from the employment of that employee;

1. A register must be kept by every employer of every employee in his or her employment containing the following particulars, namely -
 - (a) the name, age identity number (if any), occupation and sex of an employee;
 - (b) the date on which the employee commenced employment;
 - (c) the date of termination of the contract of employment and the reasons for the termination;
 - (d) the ordinary hourly, daily, weekly fortnightly or monthly basic wage and remuneration of an employee;
 - (e) the period in respect of which such basic wage and remuneration is payable;
 - (f) the time (in hours or fractions thereof) per day or per shift worked by the employee during the period referred to in paragraph (c) in respect of -
 - (i) ordinary working hours;
 - (ii) overtime;

Annex II

- (iii) night work;
 - (iv) work on Sundays; and
 - (v) work on public holidays;
- (g) the total number of hours worked by the employee during the period referred to in paragraph (c) in respect of -
- (i) ordinary working hours;
 - (ii) overtime;
 - (iii) night work;
 - (iv) work on Sundays; and
 - (v) work on public holidays;
- (h) basic wage or total of basic wage and premium rate for items (ii) to (v) payable to the employee in respect of -
- (i) ordinary working hours;
 - (ii) overtime;
 - (iii) night work;
 - (iv) work on Sundays; and
 - (v) work on public holidays;
- (i) amount due for each part of remuneration in addition to basic wage (for example, pension contribution, medical insurance);
- (j) the gross amount of remuneration payable to the employee;
- (k) the particulars and amount of any deductions from the amount referred to in paragraph (j); and
- (l) the nett amount of remuneration payable to employee.
- (m) a period of absence, including annual leave, sick leave, compassionate leave or maternity leave taken by the employee.
2. A register relating to the granting of leave must be kept by every employer of every employee in his or her employment containing the following particulars, namely -
- (a) the name, occupation and sex of the employee;
 - (b) the date on which the employee commenced his or her employment;
 - (c) the period granted in respect of-
 - (i) annual leave;
 - (ii) sick leave
 - (iii) compassionate leave
 - (iv) maternity leave; and
 - (v) occasional leave
 - (d) the date on which such leave commenced;
 - (e) the date on which such leave ended;

Annex II

- (f) the number of days of such leave with full remuneration granted to the employee; and
 - (g) the number of days of such leave without remuneration granted to the employee.
3. A register must be kept by every employer of every employee in his or her employment who is not a Namibian citizen containing the following particulars; namely -
- (g) the name, nationality, date and place of birth of such employee;
 - (h) the date of employment of such employee;
 - (i) the capacity in which such employee is employed;
 - (j) the period of the contract of employment of such employee (if any);
 - (k) a full description of academic; technical or professional qualifications and any special expertise of such employee; and
 - (l) the number and date of the issuance of any permit in relation to such employee and the date of expiry of such permit.