

SEVERANCE PAY

If your employer unfairly dismisses you or if you resign or retire on reaching the age of 65 years, you should be paid severance money.

You are not entitled to severance money if:

- You have been dismissed fairly on grounds of misconduct or poor work performance;
- You unreasonably refuse to be reinstated.
- You have not completed a 12-month period of continuous service.

Severance pay should be in an amount equal to at least one week remuneration for each year of continuous service with the employer.

THE RIGHT TO ORGANIZE

Your employer cannot interfere with your right of freedom of association with a registered trade union of your choice.



WORKING HOURS, REST RULES, AND OVERTIME

Land-based work

- 9 hours per day, if the employee works for 5 days or fewer in a week
- 8 hours per day, if the employee works for more than 5 days in a week
- Not more than 45 hours of work in a week
- Overtime is permitted provided there is an agreement between the employer and yourself
- Overtime work must not exceed 10 hours per week and in any case not more than 3 hours per day

Work on board fishing vessels

- 10 hours of rest within a 24-hour period (14 hours of work maximum, including overtime)
- Not more than 54 hours of work per week (not including overtime)
- Overtime is permitted provided there is an agreement between the employer and yourself
- Overtime must not exceed 35 hours per week and in any case not more than 5 hours per day

As per variation No 38 of 2023 for the fisheries sector which is subject to periodic amendments.



WORKER'S SUPPORT

AN EMPLOYEE CAN GET HELP AND SUPPORT TO RESPECT THEIR RIGHTS THROUGH CONTACTING WORKER'S ORGANIZATIONS OR UNIONS, LABOUR INSPECTORS OR THE LABOUR COMMISSIONER.

GETTING HELP:

MINISTRY OF LABOUR, INDUSTRIAL RELATIONS
AND EMPLOYMENT CREATION

DIRECTORATE: LABOUR SERVICES

+264 61 2066297

+264 61 2066111

DIVISION: LABOUR INSPECTORATE

+264 61 2066224

DIVISION: OCCUPATIONAL HEALTH AND SAFETY

+264 61 2066302

ERONGO REGION

WALVIS BAY

+264 64 277800

SWAKOPMUND

+264 64 429700

KARAS REGION

LÜDERITZ

+264 63 203842

OFFICE OF THE LABOUR COMMISSIONER

+264 61- 2066800



BASIC EMPLOYMENT CONDITIONS FOR DECENT WORK



International
Labour
Organization



Funded by
the European Union



WORKING IN NAMIBIA

You must be at least 16 years old to work in a fish processing plant in Namibia. Unless otherwise permitted by the Minister of Labour, Industrial Relations, and Employment Creation

You must be at least 18 years of age to work on a Namibian registered fishing vessel (sections 110 and 111 of the MSA). Section 15(2) of the Constitution.

Your employer may provide you with a written employment contract that you can read and understand and give you a copy thereof. You may keep the copy in your possession, and if you do not have one, you may ask for a copy.



MATERNITY LEAVE

If you are pregnant and have completed six months continuous service in the employment, you are entitled to not less than 12 weeks' maternity leave.



COMPASSIONATE LEAVE

In the event of a death or serious illness in your family, you are entitled to take up to 5 days compassionate leave for each period of 12 months of continuous employment.



For purpose of this section "family" means a –

- Child, including a child adopted in terms of any law, custom or tradition
- Spouse
- Parent, grandparent, brother or sister, of the employee; or
- Father-in-law or mother-in-law of the employee.

ANNUAL LEAVE

You are entitled to at least four consecutive weeks' annual leave with full remuneration in respect of each 12-month period as follows:

- 24 working days, if you ordinarily work 6 days a week;
- 20 working days, if you ordinarily work 5 days a week;
- 16 working days, if you ordinarily work 4 days a week;
- 12 working days, if you ordinarily work 3 days a week;
- 8 working days, if you ordinarily work 2 days a week;
- 4 working days, if you ordinarily work 1 day a week.

SICK LEAVE

During any sick leave cycle (period of 36 months continuous employment with the same employer), you are entitled to take sick leave:

- not less than 30 working days, if you ordinarily work 5 days a week;
- not less than 36 working days, if you ordinarily work 6 days a week.

The employer may request you to produce a medical certificate when incapacitated for more than 2 days



Shore Leave (MARINE FISHERY WORK)

- 1 full day for every 7 days worked at sea;
- A fraction of day calculated on a pro rata basis for any period less than 7 days worked at sea.

As per variation No 38 of 2023 for the fisheries sector which is subject to periodic amendments.

TERMINATION ON EMPLOYMENT NOTICE

- One day, if the employee has been employed for four weeks or less;
- One week, if the employee has been employed for more than four weeks but not more than one year
- One month, if the employee has been employed for more than one year



WAGES AND DEDUCTIONS

Since there is no country-wide sectoral minimum wage in the fisheries sector in Namibia, you should check whether an agreement setting out basic working conditions, including minimum wage, has been concluded between the trade union(s)/employees and the fishing company you are working for.

You should get a pay slip showing how much you have earned and what deductions were made. No deduction in aggregate should exceed one-third of your remuneration. Your employer must not deduct certain costs from your wages including the followings:

- Food and water
- Protective clothing and equipment
- Accommodation



None of your remuneration/wages can be withheld by the employer without your permission.

OVERTIME PAYMENT

For overtime work, the employer must pay you at a rate at least 1.5 times the employee's hourly basic wage.

For overtime work on a Sunday or public holiday, the employer must pay you at a rate at least double the employee's hourly basic wage.



If you work on a Sunday/holiday, the employer must pay you your basic daily remuneration plus your hourly basic wage for each hour worked.

If you work during night hours, that is between the hours of 20h00 and 07h00, you should receive a night allowance equivalent to 6 per cent of your basic hourly rate.

As per variation No 38 of 2023 for the fisheries sector which is subject to periodic amendments.