



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 1337

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 156

1996

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 6 of 1996: Export Processing Zones Amendment Act, 1996.

Act No. 6, 1996

**EXPORT PROCESSING ZONES AMENDMENT
ACT, 1996****EXPLANATORY NOTE:**

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Export Processing Zones Act, 1995, so as to provide that the Labour Act, 1992, shall be applicable in an export processing zone, subject to certain modifications and exceptions; and to provide for matters incidental thereto.

(Signed by the President on 11 June 1996)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Substitution of section 8 of Act 9 of 1995

1. The following section is substituted for section 8 of the Export Processing Zones Act, 1995:

"Application of the Labour Act, 1992

8. (1) The provisions of the Labour Act, 1992 (Act 6 of 1992) shall be applicable in an export processing zone, subject to the provisions of this section.

(2) Notwithstanding the provisions of sections 79 and 81 of the Labour Act, 1992, but subject to subsection (10) of this section -

- (a) no employer or employee shall take action by way of, or participate in, a lock-out or strike in an export processing zone; and
- (b) no employee, office-bearer or official of a trade union shall be entitled to perform in an export processing zone the act of peacefully persuading any other person to perform any work or not to so perform any work, if such action is in furtherance of a strike by virtue of the provisions of section 79(1)(c)(ii) of the Labour Act, 1992, as contemplated in subsection (3) of section 81 of that Act.

(3) The Minister may, in accordance with the provisions of section 15(1) of this Act, cancel the export processing zone enterprise certificate held by an employer who takes any action by way of a lock-out in contravention of subsection (2)(a).

**Act No. 6, 1996 EXPORT PROCESSING ZONES AMENDMENT
ACT, 1996**

(4) Where an employee is dismissed or is imposed a disciplinary penalty by reason of the fact that such employee -

- (a) took action by way of, or participated in, a strike in contravention of subsection (2)(a); or
- (b) performed any act referred to in subsection (2)(b),

the provisions of section 46(3) of the Labour Act, 1992, shall, subject to subsection (10) of this section, not apply in an export processing zone.

(5) Where a dispute of interests occurs in an export processing zone, every employer and employee or, where applicable, every employers' organization and trade union, who or which is a party to such dispute shall forthwith report the dispute to the Commissioner in accordance with section 74 of the Labour Act, 1992, notwithstanding the provisions of subsection (1) of that section.

(6) If a conciliation board fails to resolve a dispute referred to in subsection (5), the parties involved in the dispute shall act in accordance with the provisions of section 79(1)(c)(i) of the Labour Act, 1992.

(7) If, contrary to the provisions of subsection (2) of this section -

- (a) any employees in an export processing zone take action by way of, or participate in, a strike; or
- (b) any employer in an export processing zone takes action by way of a lock-out,

the employer or the employers' organization or the employees or the trade union concerned, as the case may be, may, subject to section 82 of the Labour Act, 1992, apply to the Labour Court for relief by way of an interdict restraining such employees or employer from continuing with such strike or lock-out action, or restraining any employers' organization or trade union involved, or any office-bearer or official of such an organization or union, from participating in or instigating or inciting such action, and any such application shall be justiciable as if it were an application referred to in section 18(1)(b)(i) of the Labour Act, 1992.

(8) The provisions of subsection (7) shall not derogate from any right or power of any person or authority to take any other action provided for in the Labour Act, 1992, as applied by this section, in the event of any occurrence referred to in that subsection.

(9) For the purposes of this section, the expressions "Commissioner", "conciliation board", "dispute of interests", "employee", "employer", "employers' organization", "Labour Court", "lock-out", "strike" and "trade union", shall bear the meanings assigned to them in the Labour Act, 1992."

(10) The provisions of this section shall be deemed to have been repealed if not re-enacted by Parliament within a period of five years after the commencement date of the Export Processing Zones Amendment Act, 1996.

Act No. 6, 1996

**EXPORT PROCESSING ZONES AMENDMENT
ACT, 1996****Short title**

2. This Act shall be called the Export Processing Zones Amendment Act, 1996.
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