



**Trade Union Congress of Namibia (TUCNA) Baseline Study on the Promotion of Social Protection for the Informal Economy and Vulnerable Workers in Namibia**

**Final Report**

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## **LIST OF ACRONYMS**

ALRN	African Labour Research Network
FES	Friedrich-Ebert-Stiftung
GDP	Gross Domestic Product
ILO	International Labour Organisation
ICLS	International Conference of Labour Statisticians
WIEGO	Women in Informal Employment: Globalising and Organising
ICSE	Classification of Status in Employment
ITUC	International Trade Union Confederation
LFS	Labour Force Survey
MCTU	Malawi Congress of Trade Unions
NANLO	Namibia National Labour Organisation
NUNW	National Union of Namibian Workers
SADC	Southern Africa Development Community
SPF	Social Protection Floor
TUCNA	Trade Union Congress of Namibia
WIEGO	Women in Informal Employment: Globalising and Organising

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## **1. BACKGROUND AND DEFINITIONAL EVOLUTION OF THE SOCIAL PROTECTION PARADIGM**

In literature, the terms “social protection” and “social security” have been used as synonyms but have evolved with now some reasonable convergence. The earlier paradigm by ILO as elucidated in Social Security Convention, 1952 (C.102) sets a universal minimum standard covering medical care as well as sickness, unemployment, old-age, employment injury, family, maternity, invalidity and survivors' benefits which countries may implement through social insurance or social assistance programmes. The ILO define social security as “the protection which the society provides through a series of public resources against economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, invalidity and death; the provision of medical care; and the provision of subsidies for families with children” (ILO, 1984:2-3). It is also been defined as “a system of assistance guaranteed by the state, granted to people in need when their normal source of income has been interrupted or ended (for example through sickness, unemployment or retirement). It could entail assistance to certain disadvantaged groups (for instance the handicapped, the families of deceased workers or people suffering from industrial injuries), or supplementing the incomes of pensioners. It could also include social insurance schemes but in a more strict sense of the word it refers to assistance schemes financed from taxation” (Barker & Holtzhausen, 1996:138).

The SADC Code also adopts a narrow and formal view on social security defining it as “public and private, or mixed public and private measures, designed to protect individuals and families against income insecurity caused by contingencies such as unemployment, employment injury, maternity, sickness, invalidity, old age and death” (SADC, 2004). According to the SADC Code, there are three types of social security namely; social allowance, social assistance and social insurance. The main objectives of these measures are to (a) maintain income, (b) to provide health care and (c) to provide benefits to families.

However, as systems and human development concerns have to be put in perspective, this formal definition has been brought under scrutiny. In fact, current evidence suggests that the C.102 has been ratified by only 55 countries<sup>1</sup> because the minimum standards it prescribes are out of reach for many developing and emerging nations. Some earlier broader definition such as by the Asian Development Bank Interdepartmental Group took a paradigm that expands the definition to rest on social protection, defining it as the “set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people's exposure to risks, and enhancing their capacity to protect themselves against hazards and interruption/loss of income. The policies and procedures included in social protection involve five major kinds of activities: labour market policies and programs, social insurance programs, social assistance, micro and area-based schemes, and child protection.” (Ntseane & Solo, 2007: 23).

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<sup>1</sup>Including 5 African countries: Chad, Libya, Niger, Senegal and Togo; most ratifying countries accepted only parts of the Convention.

From the above, it is clear that the definitions and scope of social security and social protection are varied and wide; however, it is important to note that there seems to be a current convergence in describing the term as a social, economic and human right. There is an acknowledgement that in a broader context, social protection does reduce poverty and inequalities in society and can also be said to actually generate growth and accelerate human development. The UNICEF (2012) offers a very plausible explanation on the current convergence in defining social protection that:

There are two common pointers in the various definitions. The first is that social protection includes a range of mechanisms to reduce either the risk of experiencing an economic or social shock, or to reduce the welfare loss after such a shock has occurred. The second element is that of alleviating extreme or chronic poverty (ensuring a minimum standard of living), and enabling chronically poor households to eventually overcome their situation. Thus social protection is as much about limiting fluctuations in welfare (both social and economic shocks) as it is about addressing structural ‘stresses’ that are associated with chronic poverty.

Hence, the International Labour Conference (ILC) adopted the Social Protection Floors Recommendation in 2012 (R.202) which defines basic social security guarantees; and that national social protection floors should comprise at least four social security guarantees, as defined at the national level:

- access to essential health care, including maternity care;
- basic income security for children, providing access to nutrition, education, care and any other necessary goods and services;
- basic income security for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability;
- basic income security for older persons.

This implies that such guarantees should be provided to all residents and all children, as defined in national laws and regulations, and subject to existing international obligations. The extension of social protection and the establishment of a national social protection floors are seen as key to reducing and preventing poverty. Accordingly, Sustainable Development Goals (SDG) 1 on ending poverty includes a target 1.3 which reads: *“implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable”*. In addition, SDG target 3.8 calls for universal health coverage, one of the components of the social protection floor.

This current baseline study takes and adopts a broader definition and paradigm on social protection as espoused in by UNICEF and ILO R202 in the context human development that underlines mechanisms that guarantee of a decent human life circle from birth to death, by minimising the risks of poverty during childhood, active employment life and old age. It takes a socio-economic dimension that underscores the fact that social protection is a human developmental question. In that regard, social protection may take various forms referring to the support provided in the form of income or benefits to the

poor, vulnerable and socially-excluded in society. The aim is to enhance their capacity to protect themselves against social and economic risks such as loss of income, illness, death, and other such contingencies. Therefore, social protection embraces both social security and social welfare policies and measures such as social assistance for the elderly, support for children and the disabled, as well as interventions aimed at empowering individuals or groups to earn income through employment or self-employment.

The report also agrees that social protection is part of the framework of decent work. The development and extension of social protection is one of the key tenets of the ILO decent work agenda. The Decent Work framework is based on four pillars namely (a) full employment (including enterprise creation); (b) respect for workers' rights; (c) *social protection*; and social dialogue (ILO, 2007). In the context of the ILO decent work, social protection allows for the promotion of both inclusion and productivity by ensuring that women and men enjoy working conditions that are safe, allow adequate free time and rest, take into account family and social values, provide for adequate compensation in case of lost or reduced income and permit access to adequate healthcare<sup>2</sup>". The assertion is that, decent employment provides an income that gives individuals the possibility of accessing a whole range of goods and services, dignity and the opportunity to accumulate assets which are necessary to achieve decent living standard.

This report argues in the main that implementing a decent work paradigm in Namibia with a relatively small number of workers in paid employment along a larger and expanding unregulated informal economic activity and self-employed sector remains a challenge.

## **2. SITUATIONAL ANALYSIS AND RATIONALE OF THE STUDY**

Literature attests that the provision of social protection has become more relevant with the sharp manifestations of globalisation. The current world economic growth patterns and an asymmetrical globalisation process have produced uneven impacts and opportunities, widening income gaps within countries and development gaps across countries and increasing the exposure of already vulnerable groups to greater economic volatility and insecurity associated with globalisation. Thus, as climate change, food and fuel price volatility and growing global financial crisis threaten progress towards the Sustainable Development Goals (SDGs) in Sub-Saharan Africa (SSA), there are increasing calls for new and expanded social protection schemes. It is thus evident that most governments in SSA continue to pursue policy initiatives in providing social protection to impact on poverty reduction and consequently attainment of the SDGs. However, in the current socio-economic context, the dependency burdens of the vulnerable, old, and unemployed youth have continued to increase the pressure on an already weak support system, which is heavily shouldered directly by the working class. The national revenue bases are continually narrowing and hence the safety nets capacities are being overstretched.

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<sup>2</sup> <http://www.ilo.org/global/about-the-ilo/decent-work-agenda/lang--en/index.htm>



It is currently estimated that only 27 per cent of the global population enjoy access to comprehensive formal social security systems, whereas 73 per cent are covered partially, or not at all (ILO, 2014a). Only 12 per cent of unemployed workers worldwide actually receive unemployment benefits, but in Africa, only 3% are covered. On a global scale, only slightly more than half of older persons above statutory pensionable age (51.5 per cent) receive an old-age pension whereas in sub-Saharan Africa, less than one in five older persons (16.9 per cent) receives a pension. Globally, about 39 per cent of the population is lacking health coverage (ILO, 2014a). As a result, about 40 per cent of global health expenditure is shouldered directly by the sick. In sub-Saharan Africa, some 80 per cent of the population is excluded from legal health coverage (ILO, 2014a). The social protection deficits are greatest in the informal economy as illustrated by the fact that the lack of protection is being considered as a defining feature of informal employment: *the 2003 International Conference of Labour Statisticians* determined that “employees are considered to have informal jobs if their employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection...” (Ralf, 2004).

Most of the literature reviewed acknowledged that one of the main obstacles to accessing social protection lies in the limited resources available in most developing for social spending. Since most African countries are not homogeneous per se and the state of social security tends to vary from one country to the other, trade unions have need to constantly study and share information on the underlying challenges of the social security system to the workers.

The Namibian economy has experienced down slope growth over the last three years or so with the downward revision of 1.5 % in 2017 from 2.5 % in November 2016. The downward or unfavourable growth together with the increase in external debt level and sizeable fiscal imbalances resulted in the government introducing measure in the form for cutting spending. These measures have negative impact on mostly social spending such as education and health. They have further impacted on the job losses mainly in sectors such as construction which led to the unemployment rate increase from 27% in 2016 to 34% in 2017.

Since independence of Namibia in 1990, there has been a striking visibility of informal activities but the size and growth has not been well examined. The first ever informal sector survey in Namibia was conducted in 1993. In, 2001 a second report was conducted with the objective to provide reliable and up to date information on enterprise and labour activities in the informal economy sector for planning, inclusive policy formulation, implementation and monitoring. However, after the 2001 survey, no follow up was made on results of the study recommendations.

At the time of writing this report, another study commissioned by Ministry of Labour, Industrial Relations and Employment Creation and Social Security Commission was under way of case studies focusing on in eight (8) regions namely: !Karas, Khomas, Omaheke, Erongo, Oshana, Ohangwena, Kavango East and Zambezi.

This baseline desktop report provides insight of the main features, the trends and the challenges that the informal economy currently confronts in terms of social protection in Namibia. It also seeks to articulate the issues of informality and refine policies so as to promote social protection which will in turn have an impact on organising of the informal workers and quality of employment in Namibia. Therefore, in line with the Recommendation 204 of the International Labour Organisation<sup>3</sup>, the findings might provide policy direction on facilitating the transition from the informal to formal economy. The report will also serve as a basis for ‘good practices’ on social protection from which several trade union constituencies in Namibia could learn and take the inspiration from in developing models of organising the informal economy within the context of the decent work.

The report firstly presents the terms of reference and the research methods used. Secondly, it discusses the nexus of informality and social protection. The inherent benefits of informal economy are also presented in context. Thirdly, the character, size and nature of employment in the Namibian informal economy are outlined. Fourthly, the policy approaches in dealing with informal economy is examined. Thus, the current policy and legal framework governing social protection in Namibia and its challenges are assessed. Fifthly, the report brings out the common approaches by trade unions in extending social protection to the informal economy with examples of some selected case studies in Africa. Lastly, the proposed broader envisaged future guiding strategies are as well as specific interventions are presented.

### **3. TERMS OF REFERENCE OF THE STUDY**

Trade Union Congress of Namibia (TUCNA) with collaboration with the Friedrich-Ebert-Stiftung (FES) commissioned a baseline study on the promotion of social protection for informal workers in Namibia. The terms of reference for the study were to;

- Characterize the informal sector (nature; size; type of work; type of industries; organization and registration of enterprises; micro-finance services and support; and employment).
- Examine the legal framework and current legislative support with special emphasis on social protection for informal workers.
- Identify challenges faced by the informal sector such as understanding the environment in which they operate (legal limitations, access to capital, access to services or infrastructure or social or stigma) by analysing existing literature in the context of social protection.

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<sup>3</sup> Rec. 204 aims to (a) facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers’ fundamental rights and ensuring opportunities for income security, livelihoods and entrepreneurship; (b) promote the creation, preservation and sustainability of decent jobs in the formal economy and the coherence of macroeconomic, employment, social protection and other social policies; and (c) prevent the informalisation of formal economy jobs.

- Propose recommendations best practice on how these challenges can be mitigated or eliminated to enhance social protection for informal workers and enhance organising through desk analysis.

#### **4. EXPECTED OUTCOMES**

The following were the envisaged outcomes of the project:

- Unified common strategic action plan for TUCNA on alternative interventions on the informality and social protection in Namibia region.
- Raising the threshold of economic literacy and awareness among TUCNA affiliates on issues of social protection and informality in Namibia.
- Strengthening capacity in a unified TUCNA social protection advocacy strategy on informality in Namibia.
- Strengthen capacity in trade negotiations among TUCNA affiliates on the informality and social protection in Namibia.
- Strengthen institutional networking resources capacity for information interchange and sharing on informality and social protection among TUCNA affiliates in Namibia.

#### **5. RESEARCH METHODS**

This desk study relied largely on document review and qualitative content analysis. Document review analysis is a systematic procedure for reviewing or evaluating documents—both printed and electronic (computer-based and Internet-transmitted). Document review and abstraction is a method widely used in social science research in the collection and production analytical literature review. Qualitative content analysis, on other hand, is one of numerous research methods used to analyse text data. Research using qualitative content analysis focuses on the characteristics of language as communication with attention to the content or contextual meaning of the text (McTavish & Pirro, 1990; Tesch, 1990). Many scholars agree that qualitative content analysis goes beyond merely counting words to examining language intensely for the purpose of classifying large amounts of text into an efficient number of categories that represent similar meanings (Weber, 1990). These categories can represent either explicit communication or inferred communication. The goal of content analysis is therefore “to provide knowledge and understanding of the phenomenon under study” (Downe-Wamboldt, 1992: 314). For this research project, qualitative content analysis is defined as a “research method for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns” (Hsieh & Shannon, 2005:1277). Thus several documents and policy reports related to informality and trade union were reviewed and their content qualitatively analysed.

## 6. GLOBAL CONSENSUS ON SOCIAL PROTECTION

Globally, since the year 2000, the concept of social protection has received more attention as poverty in developing countries exposed the lack of adequate public safety measures. The ILO's role in social protection went beyond advocacy for the ratification of the traditional Convention 102 to spearheading specific activities aimed at expanding social protection coverage. Thus in 2003, the ILO launched the "*Global Campaign for Social Security and Coverage for All*" to draw attention on the need for countries to adopt broad social protection measures.

In 2008, the International Labour Conference (ILC) of the ILO adopted a Declaration on Social Justice for a Fair Globalisation that recognized the ILO's obligation to among other objectives facilitate the extension of social security measures to provide a basic income to all in need. In April 2009, the United Nations (UN) Chief Executive Board adopted the Social Protection Floor (SPF) as one of its Joint Crisis Initiatives with the ILO and World Health Organisation (WHO) as lead agencies. The concept of SPF is founded on the human rights-based approach and seeks to advance the first level of social protection in national social protection system such as:

- Access to essential services such as health, education, housing, water and sanitation among others ; and
- Social transfers in cash or in kind, to guarantee income security, food security, adequate nutrition and access to the essential services.

The SPF has since been adopted by a number of institutions. In October 2010, the ILO's 2<sup>nd</sup> African Decent Work Symposium in Younde ,Cameroon adopted the Tripartite Declaration on the Implementation of the SPF advising for the establishment of a two dimensional strategy to increase horizontal and vertical coverage of social protection. The ILO's two-dimensional strategy for the extension of social protection on a global level was discussed and endorsed in June 2011 at the International Labour Conference (ILC).

In Africa, the African Union's 2006 *Livingstone Call for Action on Social Protection* also sought to promote an approach that links employment policies and poverty alleviation and called for a sustainable basic package of social transfers that were affordable within current resources of governments with the support of international development partners. The recommendations were adopted by the First Session of the AU Conference of Ministers in charge of Social Development held in Namibia in October 2008 and endorsed by the 14th AU Executive Council and 12th Assembly of Heads of State and Government in January/February 2009. Among the strategic options for social protection in Africa, the AU found out that implementing a social protection agenda is feasible and practicable even in Low Income Countries (LICs) in Africa. However, institutions, resources, state power and the capacities of government institutions to implement social protection policies differed across countries. Overall, it was argued that social protection policies, institutions and financing arrangements needed to be clear and simple and implementation could be phased in ways that build on what works in existing programs and processes.

Trade unions also joined in the campaign for the adoption of the SPF. In June 2010, the 2<sup>nd</sup> World Congress of the International Trade Union Confederation (ITUC) held in Vancouver, Canada gave strong support to the SPF. The Congress called on the ITUC to collaborate with the ILO to campaign for the extension of social protection to all; ratification of the ILO social security conventions and for a basic social protection floor for all. Emerging from its 2<sup>nd</sup> regional Congress in November 2011, the ITUC-Africa endorsed the need for SPF and has identified this as a key strategic pillar of engagement in their strategic plan.

In the face of this global consensus, the challenge to trade unions in Africa as key advocates in advancing the cause for social justice is to remain ideologically resolute in charting a course that would ensure that beyond multi-lateral continental, regional, and national policy proclamations, real and sustainable action on social protection is realised. It is in this light that this Social Protection Strategy is conceived and adds a contribution to this strategic global agenda.

In 2010, with the official sanction of ITUC- Africa, the African Labour Research Network (ALRN) carried out a research into social protection systems in Africa. The study embodies case studies from eleven (11) African countries namely Benin, Botswana, Ghana, Kenya, Malawi, Namibia, Nigeria, South Africa, Tanzania, Zambia and Zimbabwe. The case studies were published in a book titled “Social Protection in Africa” in 2012. The study has provided a comprehensive review of social protection systems across eleven Sub-Saharan African countries. Evident from these case studies is what appears to be a limiting scope of the contribution of the trade union movement in shaping the discourse and implementation of social protection schemes in most of the African countries. The study challenged trade union leaders to develop clear strategies for engagement. It was argued that while trade unions participation in the governance of formal social security schemes had yielded some positive results (albeit on smaller scale), a clear social protection strategy that would provide guidance and direction for effective engagement was evidently lacking.

## **7. NEXUS OF SOCIAL PROTECTION AND INFORMALITY**

Early development experts assumed that the informal sector would eventually disappear as economies developed and the formal capitalist sector expands. Informality was seen more as development issue. Therefore, much of the development efforts in the last half-century have been focused on growing under-developed economies. However, the actual pattern of development around the world failed to conform to the prediction that informality will disappear. In much of the under-developed world economic growth as measured by growth of Gross Domestic Product (GDP) failed to translate into development. Consequently, instead of disappearing, the informal sector has not only persisted, but also it expanded in many parts of the world, particularly in Sub-Saharan Africa (SSA).

In 2002, the ILO proposed the concept of “informal economy” as opposed to the “informal sector”. This was in recognition of the fact that informality has not only

persisted but it has actually expanded, manifesting in different guises within the formal sector. This expansion of the definition is not limited to the developing economies alone. Informality particularly as it relates to employment relations had spread to the developed and industrial economies where the need to cut cost had forced many production units to offer flexible and outright informal employment contracts, which now in that context is referred to as “non-standard” employment. In that regard, the 2002 Resolution and Conclusions on Decent Work and Informal Economy adopted by the International Labour Conference (ILC) defined the term “informal economy” as “*all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements.*” This definition was reaffirmed in 2015 by the ILO Recommendation concerning the transition from the informal to the formal economy (R.204). Recommendation 204 was further complemented in 2016 by an implementation strategy. De Soto (1989) earlier described informality as simply a collection of firms, workers and activities that operate outside the legal and regulatory framework.

While these definitions are simple and precise, informality as a concept does not lend itself to easy measurement. Part of the reason is that informality involves operating outside the legal and regulatory framework, making it a latent and unobservable variable. Accurate and complete measurement is difficult, evolving context-specific. Literature reviewed affirms that the concepts of the *informal sector* and *informal employment* are relatively new in labour statistics, developed to better measure employment in unincorporated small or unregistered enterprises (informal sector) and employment that is not covered by legal and social protection (informal employment).

In 1993, the 15th International Conference of Labour Statisticians (ICLS) adopted a resolution containing an international statistical definition of *the informal sector* that later was included in the revised United National System of National Accounts (1993 SNA). This definition was based on characteristics of the production units (enterprises) in which activities take place, rather than on persons or jobs. The purpose of an enterprise-based definition was to provide for the separate identification of the contribution of the informal sector to gross domestic product in national accounts. The *informal sector* captures one type of activity in informal employment – work that takes place in unincorporated enterprises that are unregistered or small. However, there are additional types of informal employment outside informal enterprises: for example, persons working in *formal enterprises* that are not covered by social protection through their work, as well as domestic workers, casual day labourers, and contributing family workers who are not covered by social protection through their work.

In the mid-1990s, the ILO, the International Expert Group on Informal Sector Statistics can (called the *Delhi Group*) and the Women in Informal Employment: Globalising and Organising (WIEGO) network together began to broaden the concept and definition to incorporate certain types of informal employment that had not been included in the earlier definition.

In 2003, the ICLS adopted an international statistical definition which includes informal wage employment outside informal enterprises. The larger concept is referred to as *informal employment*. In this definition of informal employment, workers are classified by their *status in employment*. The five employment status categories of the International Classification of Status in Employment (ICSE) are: *employers, employees, own account workers, contributing family workers, and members of producer cooperatives*. The key dimensions underlying this classification are 1) the economic risk involved in the work and 2) the type of authority over establishments and other workers. These dimensions are basic aspects of the structure and arrangements of the labour market and are important in distinguishing *formal and informal employment* and *informal employment both outside and inside* the informal sector.

To summarize, the status in employment categories comprising informal employment include both those under employment *within* the informal sector and those in informal employment *outside* the informal sector, as follows:

- (a) Persons employed within the informal sector (including those rare persons who are formally employed in the informal sector):
- own-account (self-employed) workers in their own informal enterprises
  - employers in informal enterprises
  - employees of informal enterprises
  - contributing family workers working in informal enterprises members of informal producers' cooperatives
- (b) Persons in informal employment outside the informal sector:
- employees in formal enterprises not covered by national labour legislation, social protection or entitlement to certain employment benefits such as paid annual or sick leave.
  - paid domestic workers not covered by national labour legislation, social protection or entitlement to certain employment benefits such as paid annual or sick leave
  - contributing family workers working in formal enterprises

In 2013 The Conference of Labour Statisticians asked the ILO to revise the Classification of Status in Employment (ICSE) to better reflect this latest development in the labour market.

In literature, there is an obvious linkage of informal employment and social protection. As observed by Carré and Heintz (2009:1), *“the regulation of employment encompasses a range of dimensions of employment: employment status per se, treatment in labour law, workplace health and safety laws, and contract law, as well as how national legislation interacts with employer policies”*. In that regard, social protection is one dimension of the regulation of employment, albeit one with key implications for worker experience. In Africa, access to social protection may be an appropriate indicator for differential treatment by regulation because it correlates with other aspects of regulation of formal employment (e.g. labour law, workplace health and safety law). However, employment arrangements may be differentiated in more complex ways among several dimensions. Thus, for example, coverage by welfare state regulation may not

correlate closely with the presence of a written employment contract. The key social protections for which access is differentiated across employment arrangements vary among categories of countries. Even the notion of “*welfare state social protections*” varies across countries, with some encompassing paid time off because it is state mandated, while others limit themselves to health and pension coverage (Carré & Heintz, 2009:1).

## **8. NATURE OF INFORMAL EMPLOYMENT AND SOCIAL PROTECTION DEFICITS IN NAMIBIA**

The definition of the informal economy has evolved in several ways in Namibia. In that context the LFS (2016:50) asserts that their definition of informal employment attempts to indicate the distinction of formal/informal employment “based on provision or availability of some form of social protection” where “employees were categorized as being in formal employment if their employer was reported to provide at least a pension scheme, medical aid, and/or social security.” In this particular instance, the LFS does place their emphasis on informal employment rather placing this in the broader perspective of describing the informal sector or economy as a whole.

Previous research has tried also to explain the causes of increasing informality in Namibia. Shindondola-Mote & Konjwang (2011) describe informality in the perspective of a jobless economic growth, unaccommodating macro-economic policies, and skills deficits and mismatch. Other researchers also affirm that this development is largely a consequence of the neo-liberal policies that have been implemented on the African continent during the last 30 years (Kalusopa, *et al*, 2012). As for Namibia, opportunities for formal employment have shrunk considerably in recent years. The Namibian National Development Plans have been projecting growth in employment over the years; however, the country has seen little or no growth in employment. This is in contrast to the increasing numbers in the economically active population thus creating an economic crisis in terms of massive joblessness (LFS, 2016). The increasing numbers of unemployed people, including people losing jobs in the formal economy leads to the growth of the informal economy as people seek alternative means of survival (LFS, 2016).

Both 2014 and 2016 labour force surveys have demonstrated that informal employment has surpassed formal employment in Namibia. Informality was measured at two levels: at the level of enterprise and on the characteristics of the job. At the enterprise level factors considered included: business registration status with the Ministry of Trade and Industry and an income tax certificate with the Ministry of Finance, size of the establishment, and registration with social security (for fitness certificate). If the employee had no employment contract, was not registered with social security, had no other benefits such as pension or medical aid, then they were classified as informal.

The 2016 LFS thus showed that 66.5 percent of the employed population are in informal employments. Furthermore, 57.3 percent of the employed population are in urban areas;



while 81.1 percent of employments in rural areas were in informal employments. The regions with the highest percentage of informal employment are: *Kavango West and Omusati regions with 91.8 percent and 81.3 percent* respectively; whereas the region with the lowest percentage of the employees in informal employments is *Erongo with 55.3 percent*.

The survey also showed that the industry with the highest level of informal employment were *private households and agriculture, forestry and fishing*, accounting for *89.8 and 89.6 percent* respectively, while the lowest level of informal employment was found in Professional, scientific and technical activities which accounts for about 26.9 percent of employees.

Another important indicator in labour market analysis is the rate of vulnerable employment. The 2016 LFS also make a labour market analysis of the rate of vulnerable employment. It was found out that three main categories make up vulnerable group, namely, *own account workers, Subsistence/Communal farmers and contributing (unpaid) family workers*. These three status groups are considered as more vulnerable than others, because these people are unlikely to have formal work arrangements or access to benefits or social protection programmes, and they are more at risk to the effect of the economic cycles. The rate of vulnerability is calculated as the sum of *Subsistence/ Communal Farmers, own-account workers and contributing family workers*, taken as the proportion of total employment. It is a measure of those with relatively precarious working situations. The survey showed that most vulnerable workers 48.4 percent are own account workers, followed by subsistence/ communal farmers with 35.7 percent (LFS, 2016).

Similarly, the distribution of persons in vulnerable employment by area and region presented shows that the majority of the employed population in vulnerable employment is in the rural areas with 65.4 percent. Furthermore, at regional level, regions such as *Omusati (15.6 percent)* and *Oshana (14.4 percent)* recorded the highest percent of persons in vulnerable employment. On the other hand, *!Karas (1.2 percent)* and *Hardap (1.7 percent)* regions recorded the lowest percentage of persons in vulnerable employment (LFS, 2016).

There is a significant difference regarding employment benefits between formal and informal workers in Namibia. Benefits enjoyed by a large number of formal workers such as housing allowance, retirement benefits, health insurance are virtually unknown amongst informal workers. Accessing credit from financial institutions is also difficult for the informally employed since banks usually demand documents such as pay-slips to ascertain the regularity of incomes as well as to determine the level of credit to be granted to the applicant. Looking at the disparities between informal and formal employment, it is obvious that Namibia urgently needs a strategy to facilitate a transition towards formal work arrangements for those in the informal economy. Table 1 is illustration of the selected basic social protection be

**Table 1: Comparison of level of Social Protection between Formal and Informal Sector Workers**

<b>Formal Sector Worker</b>	<b>Informal Sector Worker</b>
Private health schemes	None
Social Grants	Social Grants
Old Age Pensions	Old Age Pensions
Maternity	Maternity
Veterans	Veterans
Retirement Benefit	None
Access to credit	Difficult to access credit
Housing allowance	No housing allowance

## **9. LEGAL FRAMEWORK FOR SOCIAL PROTECTION AND INFORMAL WORKERS IN NAMIBIA**

Namibia is one the few countries in Africa which makes provisions in its constitution for public funded social welfare programmes. The country has also enacted several laws and established institutions to regulate and administer the different social welfare programs. The social welfare programs are administered through various public and state-owned enterprises.

Below, this report outlines the different legal and institutional framework for social protection in Namibia.

### **(a)The Constitution of the Republic of Namibia of 1990**

*Article 95* make it obligatory for the State to actively promote and maintain the welfare of the people by adopting appropriate measures, such as various policies aimed at ensuring that 'every Namibian has a right to fair and reasonable access to public facilities and services in accordance with the law'. The constitution further provoke the State to institute measures for ensuring '...that senior citizens are entitled to and do receive a regular pension adequate for the maintenance of decent standard of living and the enjoyment of social and cultural opportunities'. It also calls for the "enactment of legislation to ensure that the unemployed, the incapacitated, the indigent and the disadvantaged are accorded such social benefits and amenities as are determined by Parliament to be just and affordable with due regard to the resources of the State'. However, although the constitution indicates that this "obligatory", this does not seem so if read together with article 101 of the Constitution. TUCNA has thus argued on many occasions that while this Chapter provides with "right hand and take away with the left hand". In other words, Article 95 gives while article 101 makes it non-obligatory because of its unenforceability. It clear that in the Namibian Constitution of 1990 does not acknowledge social security as a human right and the informal sector is not referred to in any of the 148 Articles provided for in the Namibian Constitution. It is omitted from Chapter 3 on "*the Fundamental Rights and Freedoms*" which has catalogued 14

*fundamental rights and 11 fundamental freedoms.* The Namibian Constitution guarantees equality and freedom from discrimination in Article 10 and the right to dignity in Article 8. The extension of social security to the informal sector prevents discrimination on grounds of economic status (i.e. employment in the informal sector) and could thus promote respect for human dignity for employees in the informal sector.

**(b) Social Welfare Programmes**

Namibia has various the social welfare programs, which are non-contributory and provided for by the State. These include the old age, child support, the disability and war veteran's grants. **The National Pensions Act, (Act 10 of 1992)** provides for national pensions to be paid to the aged, the blind and disabled persons; and matters incidental thereto. No means test is required. A means test is a method for establishing whether, based on an indicator of means or financial ability, an individual or household is eligible for specific government assistance. The Ministry of Labour and Social Welfare administers the Basic State Grant that is a universal pension, provided by the state to citizens or permanent residents who are 60 years of age and above. The universal old age pension always had two defining conditions-that you have to be a Namibian citizen and of pensionable age. The beneficiary does not need to have been employed to benefit. Basically, pensioners who had a formal job and were registered for a pension through private insurance companies simultaneously enjoys 'the fruits of their labour' and also the universal old age pension. In essence, it is the right of every Namibian citizen who has attained 60 years to register and claim the universal old age social grant. The grant was raised 1.200 NAM \$ p.m. in 2016. The number of beneficiaries has been growing, increasing from around 110,000 in 2003 to 143,000 in 2013. Close to 92.2 percent of eligible Namibians received the pension by 2011 (World Bank, 2017).

With regard to children, Namibia provides a child support grant under the **Child Status Act (Act no.6 of 2006)**. The child status act provides for children born outside marriage to be treated equally regardless of whether they are born inside marriage or outside marriage; to provide for matters relating to custody, access, guardianship and inheritance in relation to children born outside marriage; to provide for matters which are in the best interest of all children; and to provide for matters connected thereto. The Ministry of Gender and Child Welfare is responsible for addressing the plight of orphans and vulnerable children. An orphan or vulnerable child (OVC) is any child under the age of 18 whose mother, father, either parents, or a primary caregiver is deceased, and who is in need of care or protection (Namibian Government 2002). Benefits extended to OVCs are administered under the category of child and family allowances. The Child Maintenance Grant provides support to children with either a disabled parent, a parent receiving an Old Age Pension grant, or a parent who is absent due to death or imprisonment. This is a means tested grant, with the threshold for an applying parent set at less than a gross income of N\$1,000 a month. The Foster Care Grant targets children who the courts have placed in the temporary care of foster parents. There is no upper limit on the number of children per applicant.

The **third** social support grant is the Disability Grant. As the name implies, this grant is provided to Namibians who are leaving with (*severe-own emphasis*) disability. The disability grant is N\$250 (\$25) per month. This could be disability of various kinds: physical or mental. Any kind of disability that prevents a person from contributing productively to the economy-or specifically prevents them from seeking and or maintaining employment. The Ministry of health and Social Welfare administer the disability grant. The latter is granted to Namibian citizens who are declared disabled by a medical doctor, including those who are declared medically unfit due to HIV/ AIDS. To be eligible for this grant, the applicant has to be 16 years or older.

The **fourth** is the **Veterans Fund**, regulated by the Veterans Act, (Act no 2) of 2008. The fund provides for the establishment of a Veterans Fund for the provision of assistance to veterans and dependents of veterans; to provide for the registration of veterans and dependents of living or deceased veterans; to provide for the establishment of projects for the benefit of assistance to veterans and dependents of veterans; to provide for the integration of pension benefits for veterans. The Ministry of War Veterans Affairs is the custodian Ministry responsible for the War Veterans Subvention Grant provided on a monthly basis to those Namibians who are recognised as having contributed towards the struggle for independence. This grant is provided irrespective of age, assets or employment status. However, if you are in employment you should not be earning more than N\$36 000 (\$3600) per annum.

**Fifth**, is the **Motor Vehicle Accident Fund** -this fund was designed to benefit victims of motor accidents. This is a non-contributory fund and hence the only condition is that you should have been involved and injured in a car accident. The total compensation amount is dependent on the severity of the injuries as certified by a medical doctor. Victims can also be compensated for loss of income during recovery period. The **Motor Vehicle Accident Fund Act, (act no 4) 2001** provides for the establishment, management and administration of the Fund, payment of compensation to victims of motor vehicle accidents and incidental matters. **The Motor Vehicle Accident Fund of Namibia (MVA)** is the institution mandated to design, promote and implement crash and injury prevention measures. It provides assistance and benefits to all people injured and the dependents of those killed in motor vehicle crashes in accordance with the MVA Fund Act No.10 of 2007. The Fund operates on a 'no-fault' based system where all people injured in motor vehicle crashes, regardless of who caused the crash, receive fair and reasonable benefits (subject to some limitations and exclusions). Payments are done in accordance with administrative law principles.

**Sixth is the In-kind transfers Education:** An average of 20 percent of the national budget goes to education, a reflection of the high priority which the Namibian government places on education. In 2009/10, spending on education amounted to 7.5 percent of GDP. The importance of education is recognized in the Namibian Constitution. The Education Act of 2001 further underscores the need to provide for an accessible, equitable, qualitative and democratic national education service. The NHIES 2009/10 revealed that 11.6 percent of children between the age of 6 and 13 had never been to school. To deal with this challenge and promote primary school enrollment among poor

children, Namibia introduced a no-fee primary education (Universal Primary Education) in 2013 (World Bank, 2017). The plan called for the government to cover school fees until students completed primary school or reached age 16.15 free secondary school began at the start of 2016. Financial support is available for higher education. The programs include the Namibia Students Financial Assistance Fund (NSFAF), a loan/grant scheme that supports students in specific priority areas of study (World Bank, 2017).

**Seventh is the Public Health** Public spending on health is relatively large. Through the Ministry of Health and Social Services (MHSS), the state is the main provider of health care services in Namibia. The system is funded via general taxation and serves 85 percent of Namibians. MHSS expenditures were close to N\$2.5 billion in 2009/10, accounting for around 9.8 percent of total public spending (World Bank, 2017). Parallel to the public sector, a vibrant private health sector funded largely through employee and employer contributions exists. Though user charges apply to public health facilities, primary healthcare is subsidized to ensure access by many households. Despite the public subsidies, user charges still serve as a barrier to access to health services by the poor.

**Eighth** stream includes **natural disaster crisis-linked programs**. These are reactive aid particularly provided during humanitarian crises such as droughts and floods.

**Ninth** is the **school feeding program**. School going children especially at primary school who are considered poor are given a meal at school.

### **(c) Employment-linked Social Security Schemes**

Namibia also has various social security schemes, which includes the maternity, sick and death benefits, which are provided for by the Social Security Commission. These grants are contributory. **The Social Security Act (Act no 34)** of 1994 caters for the establishment of the Social Security Commission (SSC). The Act empowers the SSC to establish the Maternity, Sick and Death (MSD) benefit Fund to provide for payment of maternity, sick leave and death benefits to employees.

The maternity benefits cover a 12-week period and the leave is to be taken 4 weeks before confinement and the remaining 8 weeks after. A woman on maternity leave qualifies for 100% of her wage with a maximum of N\$9000 (\$900) p/month. Sick leave benefits cover 75% of the basic salary for the first six months and are available after the employee has exhausted the leave period provided for in the Labour Act. Death benefits include a one-time payment of N\$5000 (+\$500) paid upon the death of a fully paid up member of the Social Security Commission.

Apart from the above provisions, the Act also makes provisions for the establishment of a development fund for training schemes for the disadvantaged and unemployed persons, the National Medical Benefit Fund to administer medical benefits to employees as well as the establishment of the National Pension Fund (Kojwang & Shindondola-Mote 2012). The last two are not yet established although feasibility studies to establish their relevance have begun.

Under the Employment Social Security Schemes is the government Employee Pension Fund- a contributory scheme, which caters for public servants and their dependents. The benefits can either be claimed upon retirement or upon early exit of government employment such as early (retirement before age 60 or death). **The Government Institution Pension Fund (GIPF)** was established as a statutory body created by the Namibian Government to provide retirement and other benefits to civil servants in the service of the Namibian Government as well as employees of State Owned institutions established as per Acts of Parliament. It is a defined benefit pension fund and the provisions of the Pension Fund Act and the Namibian Income Tax Act guide its operations. A defined benefit pension fund provides guaranteed benefits to its members. This means that should the Fund be unable to fulfill its promise to its members, the employer (Government) undertakes to provide the benefits on its behalf.

The benefits are defined in terms of the rules of the fund. The calculations of most benefits are based on final average salary and the number of years that the member was employed by the Government / statutory institution and contributed to the Fund.

The GIPF is led by a nine -member Board of Trustees whose members have been drawn from the employer, (which is the Government), Public Service Commission including pensioners and organised labour.

There are also various employment related schemes provided by private companies such as the medical aids and retirement annuities. This stream is the most common and caters mostly for the employed or previously employed.

The social welfare programs including social security in Namibia do address chronic poverty. This is illustrated by the fact that although the grant amounts may seem negligible, the number of people covered are many, currently estimated at over 250 000 people. In many cases one household can contain various people receiving various types of grants. The most common being is the old pension and a child support grant. This became more prevalent due to early mortality/physical inability due to HIV/AIDS. In practical terms, this means, if a household has a grandmother and grandfather, one 19 year or older person living with severe disability and 5-orphaned children, and maybe a war veteran; they each receive a grant in their individual capacity.

## **10. CHALLENGES FACING THE SOCIAL PROTECTION SCHEMES**

The provision of social protection benefits in Namibia faces a number of challenges. These include: lack of national documents by potential beneficiaries, lack of information, inadequate monthly grants, urban bias, poor service delivery by pay-out officials, crime at pay-out points, corruption and concerns regarding sustainability. These are discussed in detail below.

### **(a) Challenges in the Social Security Act (SSA), 1994**

The Social Security Act and the Social Security Commission makes provision for coverage for only those in formal employment. In an effort to embrace preventive and integrative social security, the SSC operates a standalone Development Fund (SSC-DF) as a non-contributory fund. The SSC-DF focuses on preventing unemployment (predominantly among the youth) by affording people a chance to finance their tertiary education and thus improve their employability. The fund also assists in integrating unemployed people into the labour market – mainly those who are unable to gain admission into a college or university. This integration is preceded by the acquisition of new skills and the reinforcement of existing ones, as well as the use of employment services rendered by training providers. These ongoing interventions have resulted in a relatively high of unemployed people successfully transitioning into the world of work. In addition, the SSC-DF has embarked on an ambitious drive to create opportunities for decent employment in rural areas of Namibia. This has been made possible by funds provided to third parties to assist communities in establishing livelihood ventures that will generate income and create and sustain jobs. In the first year of this intervention over 200 jobs were created and all employees were registered with the SSC. In total the SSC-DF has spent approximately N\$85 million over the past five years to extend assistance to more than 2000 unemployed people (out of a total unemployed population of 290 000). This implies that the majority of workers remain uncovered as they operate in the informal sector. Evidently, the current social security system leaves a large coverage gap especially because benefiting from the system is conditional to status of employment. The regime under which the SSA was enacted did not give or gave insufficient considerations to the informal sector. This is evident from the following observations:

### **(b) Lack of national documents**

To register for some schemes as a beneficiary, several documents are required especially the national identity document (ID), birth certificate or some letter from a local or regional authority or church certifying that indeed the applicant is a resident in a particular constituency. . However, despite some drastic improvements in the provision of national documents by the Ministry of Home Affairs and Immigration there are still a large number of people who do not have such documents especially those residing in rural areas. The difficulties in obtaining the necessary documents result in exclusion on the basis of lack of documents and hence the inability to access welfare grants, enter school or apply for exemptions from payment of school fees or health costs (Third National Development Plan, 2008).

### **(c) Lack of information**

It has been established that some workers in Namibia are not aware of their rights to social security. Research findings clearly indicate that many workers have little understanding of the benefits to be accrued from the Social Security Commission. Workers such as domestic, informal and farm workers have no knowledge of the Social Security Commission and the benefits offered (Shindondola-Mote, 2008; ILO, 2014). This could be due to lack of recognition of the fact that such workers are also employed and should also be entitled to benefits made possible not only by their employers, but through government funded social protection schemes. But lack of information also has

to do with the fact that potential beneficiaries often do not know what the requirements are to be able to benefit from the available services.

**(d) Inadequate monthly grants**

The government has over the years increased the total monthly grants, especially the old age pension. However, due to several reasons such as lack of employment, high living cost and high inflation, decreasing remittances due to lack of jobs and increasing number of orphans due to the HIV/AIDS epidemic, many beneficiaries complain about the inadequacy of the grants. To address this challenge, it may be necessary for the government to consider a Basic Needs Basket Approach (BNB) to social protection. This means that grants should be increased in line with the cost of a BNB. Such basic needs could include food, clothing, shelter and additional needs such as school fees, transport, primary health care services, etc. A mother of a child living with disability bemoaned (Kojwang & Shindondola-Mote (2012):

*Placing my child in a special school is very difficult and I was put on a waiting list for two years. They don't provide meals so I have to pack her something every day and I can only get her uniform at a more expensive store. I believe this is the reason why a lot of disabled kids stay at home since parents can't afford the school requirements. Most children without medical aid do not receive physiotherapy even though they need it. I think they should be exempted so that parents can fend for other children as well. Kids on wheelchairs require a nanny and an escort to hospitals and if the payments were increased, this would be possible.*

**(e) Urban biased services**

Many of the social protection as well as the social insurance services are easily accessible to urban dwellers. It is also generally the urban dwellers that have easy access to reliable information as well as easy access to the offices and officials that deal with issues relating to the services. It is therefore important that investment in out-reach programs be made a priority so that rural-based Namibians can access such services (Kojwang & Shindondola-Mote (2012).

**(f) Poor service delivery by pay-out officials**

Literature reviewed (Shindondola-Mote, 2008; ILO, 2014), discussions with some beneficiaries point to the fact that incidence of verbal abuse especially towards beneficiaries who are not competent in the English language were widespread. Some respondents indicated that some officials behave as if they '*own the money and those receiving it do not deserve it*'. Others complained about waiting for too long in queues weathering the hot sun and sometimes cold winds, something they believe could be avoided if the officials carried out their duties with due diligence.

**(g) Crime**



This challenge is outside the control of the schemes, but it is important to note that some beneficiaries also raised concern about incidences of crime at pay-out points. They indicated that old age pensioners as well as those living with disabilities (especially those confined to wheelchairs and the blind) are easy targets of crime. They are robbed of their grants at the pay-point centre, on their way home or at home. The culprits were often cited as their own children, grandchildren or neighbours (Kojwang & Shindondola-Mote, 2012).

Grant beneficiaries also fall prey to unscrupulous business men and women. Such people target the beneficiaries and promise them some rewards for small investments. It is important that adequate security is provided for old age pensioners to prevent or minimise such incidences.

### **(h) Corruption**

Corruption has also been noted as a serious challenge. Particular reference was made to the child maintenance grant. Some beneficiaries of the child maintenance grant noted that the registration procedures are cumbersome. With regard to maintenance claims, corruption and bribery take place at many levels. Beneficiaries complain that sometimes the officials at court who are supposed to summon the defendant do not do so as soon as a case is opened. Employers were also accused of colluding with defendants in making false declarations of income to the courts. Such practices result in complainants of not receiving any payments or the defendant getting away with declaration of false information. Below follows some views of beneficiaries of the child maintenance grant (Kojwang & Shindondola-Mote (2012) :

1. *The cases take too long to be decided upon. Some men deny paternity and one has to wait for a long time before the DNA tests are released. I think in future such men who play the delay tactics should be punished so that they are used as an example to deter others from behaving the same. In the majority of the cases, the results come back positive that he is the father. In the meantime, his child continues to suffer whilst he is playing mind games.*
2. *I think the men use such excuses so that if the woman is not strong enough or patient enough she will just not pursue the matter. It is kind of humiliating for a child's paternity to be doubted because it is almost as if the men want to show that you do not know whom you had sex with.*
3. *Some men even go to lawyers to avoid paying maintenance. He will admit that he is the father, but instead of paying maintenance for his child, he would rather pay the lawyer an effort to proof that he has no money for child support. This is ironic.*

However, the most prevalent case of corruption is about the GIPF. The board and senior management of the Government Institution Pension Fund (GIPF) were accused of

misappropriation of members' contributions. The alleged corrupt activities occurred through the distribution of loans to companies headed by influential people. Loans worth N\$659 million were given to some 21 companies. Some of these companies received money without even providing any sort of collateral. Some companies were also mentioned as having received loans without formally applying for them. Others received millions of dollars from GIPF without signed approval by the fund's board of trustees. Some companies received second loans even before paying off the first one (Kojwang & Shindondola-Mote, 2012). Others closed down without even paying back one dime.

The government has instituted an independent investigation into the matter. In the meantime, some civil servants are concerned about the possibility that they have already lost their pensions before retirement. They are calling for improved control mechanisms to ensure that such loss of workers' money is avoided in future. They are also calling for alternative and flexible benefits that should enable workers to draw from their pension before the official retirement age of 60 (Kojwang & Shindondola-Mote, 2012).

#### **(i) Sustainability**

To sustain Namibia's social protection program will depend on the extent to which the national economy is able to absorb as many people in the labour market as possible. There will be a need for a bigger middle class for government to be able to draw enough taxes to distribute to the poor. Even the social insurance programs which depend on contributions from employees and employers can only be sustained if the economy is growing and jobs are being created. Namibia's social protection including social insurance programs may not be easily sustainable in the long run because of the following reasons (Kojwang & Shindondola-Mote (2012) :

- **Large Income Inequality:** Namibia is currently regarded as the most unequal society in the world. This means, we have a very small percentage of people who are paying income-based taxes regularly and in large numbers as compared to those who depend on taxes for survival.
- **Unemployment:** This means many people have no work and hence are not able to pay income tax or contribute to social insurance programs.
- **HIV is rife, and the AIDS pandemic is killing many people.** This means HIV/AIDS is severely undermining the productive capacity of the nation.
- **Increasing number of orphans and vulnerable children:** Namibia's population is generally young. A large number of young people are orphans due to AIDS. The possibility that in future there will be a population that is largely dependent on the State for income is real because orphans and vulnerable children also receive a state grant. Besides, some of the orphans might never be able to hold a job for long due to early mortality.
- With regard to the MVA fund, there are certain challenges that could pose a threat to the sustainability of the system. In this regard, the Injury Grant or general damages were identified as one of the major cost drivers. This is money paid out to injured persons in respect of the pain and suffering endured as a result of a crash. This

particular grant is susceptible to corruption; some people have tried to tamper with medical reports to benefit financially (Kojwang & Shindondola-Mote, 2012). This behaviour, which is fuelled by the injury grant, does not add any value to the long-term well-being of Namibians. For this reason, the Fund is considering, with the approval of Parliament, removing the injury grant from its list of benefits to concentrate fully on medical rehabilitation of the injured.

## **11. GOOD PRACTICE CASES OF TRADE UNIONS ORGANISING TO EXTEND SOCIAL PROTECTION TO INFORMAL WORKERS IN AFRICA**

According to the ILO (2005:4), “a good practice is any experience guided by appropriate principles, objectives and procedures and/or advisable guidelines adjusted to a given regulatory perspective or a parameter on which there is a consensus, as well as any experience that has produced positive results by demonstrating its effectiveness and usefulness in a specific context”. In literature reviewed, the concept of good practices is used instinctively to refer to “any experience that can be subjectively qualified as successful from very different viewpoints, without having first established a series of minimum indicators that would permit their identification using objective criteria” (ILO, 2015:4).

With specific reference to this baseline study, the documents reviewed show that the efforts in terms of how trade unions extend social protection to informal workers tend to vary in context but “different works and studies give the impression that an effort has been made to reflect appropriate examples, which then serve as models for different aspects of work and employment” regarding how trade unions have made attempts to extend social protection to the informal economy.

In recent years, trade unions in several African countries have attempted to develop relationships with informal worker organizations. For example, a 2015 compilation from the ITUC’s African Labour Research Network (ALRN) documents evolving relationships between informal workers and established trade unions in Ghana, Kenya, Namibia, Zambia and Zimbabwe. Whereas previously trade unions considered informal workers as outside of their remit, the ITUC-ALRN report notes that there has been an increased recognition that *the informal economy... continues to play a critical role in the lives of many people in Africa* and calls for greater collaboration between organizations of informal workers and trade unions.<sup>4</sup> Seemingly, many trade unions engage on an adhoc basis or secure narrow gains for their members. These are important contributions but require a more coherent policy position. The general weak state of trade union intervention in broader social protection programmes or trade union policy positions are evidently lacking as reflected in Table 2.

### **Table 2: Role of Trade Unions in Social Protection Programmes in Selected African Countries**

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<sup>4</sup> K.N Otoo, T. Kalusopa, T, K Ndungu & N. Chakanya, N (Eds.). 2015. “Formalizing the Informal Economy: A Labour Perspective.” Zimbabwe: Africa Labour Research Network.

<b>Country</b>	<b>Trade Union Engagement</b>	<b>Trade Union Response</b>	<b>Process to Achieve Objectives</b>
<b>Botswana</b>	Yes, but limited	Developed a Trade Union Social Security Policy Framework for engagement with the state and other stakeholders	Advocacy and Campaigning
<b>Ghana</b>	Yes, but limited	Active in the retirement reform process both at a policy level and at a representative level on the schemes. Continue to advocate improved benefits for informal sector	Promote and sensitisation of schemes. Active in collective bargaining to achieve better benefits for members
<b>Kenya</b>	Yes but limited	Represented on boards but no real strategy to ensure expansion of coverage	
<b>Malawi</b>	Yes, but limited	No policy position but active in highlighting concerns on the revised Pension Bill of 2010	Successfully lobbied parliamentarians to prevent the adoption of the Pension Bill, include awareness raising
<b>Namibia</b>	Yes, but limited	Supports the demand for a Basic Income Grant	Continued participation and support for the Basic Income Grant
<b>Nigeria</b>	Yes, limited	No overall policy on Social Protection but engagement on the Pension Reform Act, NHISA and National Housing Fund. Continued support to improve social protection for workers. Participation on governing structures	Engagement with National Assembly and other stakeholders to support progressive reform. Active collective bargaining support to improve social protection benefits for members
<b>South Africa</b>	Yes	COSATU has a comprehensive Social Security policy position	Significant campaign and engagement at NEDLAC in achieving the extension of Child

			Support Grant and other Social Protection measures. Continue to campaign for a Basic Income Grant
<b>Tanzania</b>	Yes, limited	No policy on Social Protection but have made input on the National Social Security Policy. Poor campaigning in extending social security to the informal sector	Continue engage at tripartite body. In addition lobbying and campaigning is an integral part of the Union strategy
<b>Zambia</b>	Yes, but limited	No social protection policy and involvement has largely been restricted to governing boards	Development of a more effective and strategic role is required
<b>Zimbabwe</b>	Yes, but limited	Three pronged strategy that deals with research, education and training and engagement. Participation at and representation on various schemes	Continued research policy proposals, lobbying and engagement through social dialogue structure

Source: Adapted from Kalusopa, T, Dick, R & Osei-Boateng, C (Eds). (2012). *Social Protection in Africa*.

Specifically in literature, there are several cases of best practice by trade union from which TUCNA could learn from. Below are selected cases reported in literature as presented by Schwettmann (2017:4) in a recent study.

**Box 1: Sierra Leone Labour Congress (SLLC)**

The Sierra Leone Labour Congress (SLLC) has been reaching out to workers in the informal economy since the mid-1990s to promote their welfare, to enjoy decent work environment and enhance their rights to have the voice needed to protect their interests. To capture the lost members in the formal sector; to add to the numerical strength of the SLLC; and to widen the scope of trade union support needed for creating the desired impact of collective action are all among the plethora of reasons for organizing workers in the informal economy. The SLLC has registered ten trade unions for informal economy workers with a declared number of 279,856 members (out of over two million Sierra Leoneans believed to work in the informal economy). These trade unions operate in various sectors such as trading, transport, agriculture, fishing, services, entertainment, etc.

### **Box 2: Kenyan Central Organization of Trade Unions (COTU (K))**

In **Kenya**, there are eleven umbrella associations representing more than 600 informal workers' groups in the country. Several of those collaborate with the Kenyan Central Organization of Trade Unions (COTU (K)) even though not yet affiliated (31). The Ghanaian Union of Informal Workers Associations (UNIWA) is the country's first national trade union for workers in the informal economy. It was established in 2013 and is affiliated with the Trade Unions Congress of **Ghana**. UNIWA represents 14 informal workers' associations with approximately 79,000 affiliated trade union members from the informal economy in 2016.

### **Box 3: Zimbabwe**

In **Zimbabwe**, a group of 22 informal business associations came together in 2002 to form the Zimbabwe Chamber of Informal Economy Associations (ZCIEA) which comprises 150 member associations grouped into 45 chapters. ZCIEA operates as a "third force", complementing the employer organization EMPCOZ and the trade union federation ZCTU.

### **Box 3: Malawi**

The **Malawi** Union for the Informal Sector (MUFIS) was initiated in 2000 and officially registered in 2004. As of 2012, MUFIS had approximately 14,550 members, who work in the several informal occupations: home-based workers, street vendors, waste pickers, construction workers, domestic workers and small-scale tea farmers. MUFIS is an affiliate of the Malawi Congress of Trade Unions (MCTU).

## **12. STRATEGIC POLICY INTERVENTIONS FOR TUCNA TO EXTENDING SOCIAL PROTECTION FOR THE INFORMAL WORKERS IN NAMIBIA**

Trade unions in Namibia are recognised in the national constitution under Chapter 11 on Principals of State Policy. Under Article 95, sub-Section (c), it is stated that '*the State shall actively encourage the formation of independent trade unions to protect workers' rights and interests; and to promote sound labour relations and fair employment practices*'.

Currently, Namibia has three (3) trade union federations and close to 40 industrial sector unions with many others not affiliated to any federation. These three (3) main trade union federations are: National Union of Namibian Workers (NUNW), Trade Union Congress of Namibia (TUCNA) and Namibia National Labour Organisation (NANLO).

The LFS 2016 estimates that only 17.5 percent of the total employees in the country belonged to trade unions. The highest rate of trade union membership is amongst females with 18.7 percent compared to their male counterparts with 16.5 percent. The rates for trade union membership were higher in urban areas (18.4 percent) than in rural areas

(15.3 percent). At regional level, regions that were above the national union density includes: !Karas (30.5 percent), Erongo (23.5 percent), Kunene (28.6 percent), Ohangwena (23.5 percent), Oshana (20.0 percent) and Zambezi (22.9 percent) (LFS, 2016). The distribution of the employee's union density by sex and industry presented in table 4.21 shows that the Educational sector has the highest union density at 55.8 percent followed by the Mining and Quarrying with 48.0 percent as well as the Water supply and related industries which accounts for 36.3 percent of the employees belonging to unions respectively (LFS, 2016). Evidently, the density was low in Agriculture Forestry and fishing (11.5%), Wholesale and Retail Trade (9.4%), Construction (8.4%), Real Estates (3.4%), Private households (1.4%).

Due to tripartite labour relations in Namibia, trade unions are represented on different bodies that deal with social protection and social insurance. For instance, the NUNW is represented on the Social Security Commission Board, whilst the trade unions that organise the public sector workers, the Namibia Public Workers Union (NAPWU) and the Namibia National Teachers Union (NANTU) are represented on the GIPF board. However, representation alone is not enough if policy changes are not being made in favour of workers. This is because, despite the fact that trade unions are represented on these bodies, the representatives do not necessarily look out for the interest of workers.

The NUNW has in the past shown support for broad-based social protection programs. In this regard, the NUNW's participation in the Basic Income Grant Coalition (BIG) provides an example of labour's participation in a broad front of organisations united by the desire to tackle poverty. The BIG results in Omitara were encouraging and the idea of a national BIG seems widely supported by workers across the country. This is hardly surprising as many workers still earn below N\$1,000 per month and have to cater for large extended family networks. A national BIG would certainly lessen their financial burden and enable others to engage in economic activities as had occurred in Omitara. Also, the BIG is a tool for (modest) redistribution, as it benefits the poor while the wealthy cross-subsidize it through the tax system (Haarman & Haarman, Jauch & Shindondola-Mote, 2009)

TUCNA (Trade Union Congress of Namibia) was formed as a merge between two major legislative organizations namely Namibia Federation of Trade Unions (NAFTU) and Namibia People's Social Movement (NPSM) at the annual Trade Union congress held in May 2002 at Windhoek Continental Hotel. The two federations come to a mutual understanding and signed a memorandum of understanding to form on stronger organization (TUCNA, 2016). This federation is not affiliated to any political party. In its mission statement, TUCNA asserts that it was established "*on the pillars of non-racial, non-political and democratic society, therefore it takes full responsibility for its action independently without any interference of external forces*". TUCNA has about 50,000 members from its 14 affiliates. Due to the many disagreements within the NUNW in the past couple of years,

Based on the latest Labour Force Survey 2016 that indicated that the employed population in Namibia is 676,885, we can equally compute that the 50,000 workers from TUCNA represent only about 7.4% of the total workforce in Namibia.

TUCNA developed a strategic plan in 2011 which is aligned to the DWCP priorities and has been implementing the plan. It has been observed that since 2011, the successful implementation of the DWCP depends to a large extent on the effective participation of the social partners and the mid-term review of the DWCP conducted in May 2012 noted that delivery of outputs was greatly affected by capacity limitations especially on the part of social partners, among other things. Despite these capacity challenges, TUCNA have over the years been involved in tripartite programmes on HIV and AIDS, Occupational Safety and Health (OSH), social security, commission on minimum wages for domestic workers and development of the Namibian National Employment Policy (NEP).

In the year 2014 TUCNA published a policy booklet<sup>5</sup> outlining policy priorities from a position of the federation. This booklet was intended as a narrative of TUCNA to add to national developmental discourse and a surge toward full trade union participation in the socio-economic transformation. The TUCNA affiliates thus have a position and view when negotiating or in dialogue with employers on conditions of employment and minimum wages. The policy covers the following;

- Economic transformation and job creation.
- Governance and participatory democracy.
- Distribution and sharing of resources.
- Social development.

TUCNA is said to be making some significant inroads into sectors that the other federation was previously strong. This is particularly evident in the Fisheries and the Wholesale and Retail Sectors. TUCNA also competes fairly well with the NUNW affiliated union in the Public Sector especially in the education and health sub-sectors. However, more effort needs to be done in organizing workers in the informal economy.

It clear that given the precarious nature of employment, trade unions in Namibia are expected would be expected to play a leading role in advocating for a comprehensive social protection system. It is also clear that social protection systems have been widely recognised as important economic and social stabilisers. As this study has argued, there is an emerging global consensus that social protection is basic human right that is affordable and implementable even in developing countries. It is widely accepted that social protection cannot be restricted to formal sector workers, but must be extended to all, including workers in the informal economy and the rural communal economy (Jauch and Kaapama 2011).

Evidence from literature suggests that TUCNA are represented on the board of the Social Security Commission (SSC) which administers the MSD Fund, national pension scheme and a national medical benefit but its role needs to be strengthened so that it plays a far

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<sup>5</sup> TUCNA Development Policy Proposals. (November 2014). Published by TUCNA and sponsored by Friedrich Ebert Stiftung



more active and visible role if they want to push for more comprehensive social protection as instruments to fight inequality and poverty. Below, are proposed, both broader strategic policy and specific initiatives that TUCNA could

The following strategic policy initiatives for TUCNA are proposed:

***Strategy 1: Strengthen existing structures of Namibia Informal, Domestic and Allied Workers Union (NIDAWU)***

- Evidence suggests that TUCNA has already put in modalities in organising the informal workers through NIDAWU. In that regard, it recommended that these structures are strengthened.
- Existing trade unions should reach out and establish specific branches for workers in informal economy occupations.
- Associations for workers in specific c informal economy occupations should be strengthened, and new associations established, including women's associations.
- Organizations and associations working for and with women need to be explicit on the representation and capacity building of (potential, young) women leaders.
- Informal economy workers need information on fundamental rights at work. Trade unions, other associations and NGOs should provide further awareness raising and training on legal rights and responsibilities to workers. Donors should be requested to support these efforts.
- Organizations working on labour rights should ensure these rights are applied in
  - their own organizations, and develop organizational policies to implement these
  - rights.

***Strategy 2: Linking social protection to organising and advocacy***

Research evidence suggests that there is limited coverage of social protection in Namibia. Most recommendations also point to the need to extend coverage to the majority of the people that are currently excluded. A useful starting point for TUCNA is to work with other stakeholders in developing specifically targeted programmes for the vulnerable groups in a comprehensive and coordinated fashion. Creating universal social benefits, for example, through universal health benefits, old-age pensions or child-support payments would be one such example of this avenue for extension of social protection. The second avenue would be to extend coverage to informal workers through organising.

***Strategy 2: Advocate for policy coherence and coordination: inter-ministerial collaboration and co-ordination of all the ministries and stakeholders***

A comprehensive social protection strategy will need to be anchored on an elaborate inter-ministerial collaboration and coordination of all the ministries and stakeholders involved in the implementation of the social protection strategy at national level. These include ministries of labour, social welfare, health, education, gender, agriculture, finance and economic planning and others. TUCNA should advocate for this. An Inter-ministerial committee will provide the overall political guidance and support towards the implementation of a SPF, including the legislative review

***Strategy 3: Advocating for the review and development of a comprehensive legislative framework on social protection.***

It is clear that much of what the legislative framework recognizes as social protection is restricted to the social insurance model, but this has limitations. TUCNA should be encouraged advocate for the review of the legislative framework that facilitate the development of a national social protection system that addresses the country's peculiar situation determined by factors which include, among many, the proportion of persons who are poor, affected by HIV and AIDS, plagued with disability, and weakened by old age etc.

***Strategy 4: Advocating for linking social assistance to basic services***

In order for social protection assistance programmes to have both long and short term impact, it will be imperative that these are linked to basic services. For instance, linking cash transfers to education on child and maternal health, prevention and treatment of illness, and provision of nutrition; agricultural extension or immunization will need to be of essence. In addition, stronger linkages that integrate basic services such as water, energy, telecommunications with social protection assistance programmes is a pertinent in reducing poverty. TUCNA should be encouraged to develop and understand linkages between social protection for workers and social assistance programme that are critical for reducing poverty at a community and households level; and pursue this under social dialogue structures

***Strategy 5: Collection of disaggregated data for monitoring implementation and evaluating the impact and progress on social inclusion.***

In order to address the challenge of limited scope of coverage in relation to access to social protection, TUCNA should systems that would allow them to collect disaggregated data covering such variables as gender, age and other spatial dimensions for monitoring and evaluating the impact and progress on social inclusion. Research and information includes identification of information gaps and sponsoring research to fill these gaps (including human rights based situation analyses that includes causality, capacity and role pattern analysis, impact evaluations and economic analysis on the links between

investment in social protection, poverty reduction, and the attainment of the SDGs), as well as the development of three key inputs required to inform national strategies and programs: i) risk and vulnerability assessments; ii) an inventory of current social protection activities; iii) expenditure reviews and assessment of social protection spending

***Strategy 6: Sustainable funding for social protection from both domestic and external resource mobilization, in particular resources that can facilitate scaling up of effective interventions.***

A major challenge established in research relates to official government funding of social protection which has been found to be inadequate. Currently, social protection budget lines remains low on the government social pyramid of priorities. In that regard, TUCNA should advocate improved and sustainable funding for social protection from both domestic and external sources, in particular resources that can facilitate scaling up of effective interventions.

Ideally, cross-subsidisation through the tax system is an important redistributive tool when the tax system works. This will require a review of the existing Fiscal Policy Framework that's sees a more supportive framework towards the needs of the poor.

Implementation of the national strategies would be measured in the short term through incorporation of social protection into national development plans, sector wide approaches and medium term expenditure frameworks. Trade Unions will have to advocate for adequate budgetary allocations for social protection, support for regulatory standards and guidelines, and inclusion of monitoring and evaluation systems in social protection programmes

***Strategy 7: Governance of social protection systems***

Research has shown an existing weak role played by the TUCNA in the governance structures of existing formal social security/protection institutions. TUCNA should call for more accountability of the management of formal social security/protection institutions. This will require significant funding support towards the development of skills and capacity of TUCNA representatives on governance structures. TUCNA should also develop a Code of Good Conduct that will guide the participation of its representatives on social security/protection governance structures

***Strategy 8: Developing appropriate monitoring and evaluations systems***

This will require that TUCNA to develop their own goals, strategies and timeframes to achieve the implementation of a social protection floor. This will require clear indicators (with baseline and targets) required to monitor and measure progress and results. TUCNA should argue for a national evaluation framework that:

- Sets Minimum standards of evaluation across government and social partners

- Will improve effectiveness and impact of social protection interventions that allows for reflection of what is working and not; and make the necessary interventions where required
- Provides for key elements such as regular determined periods of evaluation; allow for public scrutiny; improve plans were required; provide technical support and quality control and supports training and development in meeting set targets.

### 13. PROPOSED SPECIFIC STRATEGIC INTERVENTIONS FOR TUCNA

Arising out of the literature review on best practice elaborated earlier as well as stakeholder input from TUCNA affiliates, Table 3 below indicates some of the proposed unified specific strategic alternative interventions for that TUCNA could consider in extending social protection. In this instance, practical examples, objectives, purported beneficiaries and envisaged resources required are indicated.

**Table 3: Proposed Specific Interventions for TUCNA in extending social protection to informal workers**

<i>Type of possible intervention</i>	<i>Objectives</i>	<i>Beneficiaries</i>	<i>Resources</i>
1. One-Stop Desk Informal Sector Desk for NIDAWU in the municipalities	<ul style="list-style-type: none"> <li>• To establish rights offices or appoint a defender of labour rights in the informal economy to promote better application and extension of legislation to workers and producers in the sector.</li> <li>• To use community-based" approach to organizing in conjunction with other proven "shop-floor" organizing methods.</li> </ul>	Small and medium-sized enterprises in selected municipalities of Namibia with Kavango West and Omusati regions	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Local community organisers</li> <li>• Finances</li> </ul>
2. Establishment of for NIDAWU "rights	To establish rights offices or promote	Informal workers in agriculture and	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Local TUCNA</li> </ul>

offices” desk in TUCNA affiliates in agriculture and forestry	better application and extension of social protection in agriculture and forestry sector.	forestry in rural Namibia	affiliates in agriculture and forestry <ul style="list-style-type: none"> <li>• Finances</li> </ul>
3. The need to set up “one stop” information advisory kiosks at TUCNA	Make access to information about the location of workers and details about the informal through media campaigns about the exploitation of contract workers and homeworkers.	Informal workers in urban area	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Finances</li> <li>• TUCNA designated officer at Secretariat</li> </ul>
4. NIDAWU to set up health insurance scheme created	To cover basic health-care services, including preventive care and health promotion, out-patient care, medicines and other services to its members and the general public.	Home-based workers and other informal workers excluded from other social security systems or with incomes below the poverty line.	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Finances</li> <li>• The system is financed through member contributions and grants from international cooperation agencies.</li> </ul>
5. Set up NIDAWU desks in TUCN affiliates in the Health sector	To cover the health needs of the Municipality’s high risk urban and rural families by facilitating their access to health-care services providers.	Workers without access to a service package in public health centres and hospitals.	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Local community organisers</li> <li>• Finances</li> </ul>
5.Collaborate with Mutual Community Association health insurance scheme in Namibia	To provide members with mechanisms of the establishment of health protection for informal workers.	Covers informal worker members and their dependents.	Contributions: international aid, worker’s fees.
6. Domestic workers Unemployment	To provide unjustly dismissed female	Formal domestic workers whose	Programme to benefit thousands of

Insurance	domestic workers with a temporary financial benefit (up to three months payment of a national minimum wage).	employers contribute to a proposed severance pay guarantee fund	domestic workers through an approximate outlay of resources.
7. Collaborate with existing co-operative structures in rural area	Consider establishing or expanding the links with cooperative economic activities. This approach has proved successful in both	Empowering cooperative informal workers, through the provision of support services, such as access to credit, technology and raising awareness among them about the benefits of unionization	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Local community organisers</li> <li>• Finances</li> </ul>
8. Collaborate with cross-border trade association	Consider establishing or expanding the links with cross-border trade association	Empowering cross-border trade association through the provision of support services, such as access to credit,	<ul style="list-style-type: none"> <li>• Offices space</li> <li>• Local community organisers</li> <li>• Finances</li> </ul>

## 14. CONCLUSION

Namibia has an extensive social protection system, managing client applications, records and payments for more than 15% of the population. Therefore, there is a significant legal framework and a range of institutions, from public sector departments to public agencies and private sector firms. There is extensive interaction or partnerships between public organisations (mostly state departments but also agencies) and private agencies (including payment agents, banks and NamPost) to deliver services (ILO, 2014).

Evidently, extending social protection to informal economy and vulnerable has not so much occupied policy dialogue and implementation in Namibia for many years but current national statistics and practical evidence in the labour market draws consensus about its relevancy today. It can be argued social protection is a critical driver for poverty reduction and economic growth. It is essentially about the nature of the social contract between the state and its citizens, and the state's responsibility to provide a minimum level of well-being to its citizens.

This baseline report ably discussed the nexus of informality and social protection. The inherent benefits of informal economy are also presented in context. The character, size

and nature of employment in the Namibian informal economy are also presented. The current policy and legal framework governing social protection in Namibia and its challenges are assessed. The report brings out the common approaches by trade unions in extending social protection to the informal economy with examples of some selected case studies in Africa. Some broad strategic policy and specific interventions are proposed to guide TICNA. This implies that TUCNA acting with other progressive stakeholders should be committed to extending social protection to the informal sector workers as a key agenda for social justice. The current challenge is how TUCNA could define better their niche and capacity in supporting the development and implementation of national strategies. It is important to underscore the fact that any strategies envisaged by TUCNA would require understanding the “critical factors such as variations in the magnitude of need; the strength of national political commitment, donor interests, and domestic economic and social conditions will influence the development and success of social protection” (UNICEF, 2012). In that regard, the informal economy in Namibia should not be seen as passive targets awaiting the rescuing hand of trade unions. TUCNA would require a renewed approach to adopt strategies that advocate for policies and laws that recognise and protect informal economy organizations and their members. It must open national and sectoral social dialogue structures and processes to the representatives of the informal economy.

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