

Straight Talk (23), 28 May- 3 June 2012:

## The Ghosts from the Past

*Prepared by Herbert Jauch for The Villager newspaper*

Earlier this month, a group of former employees of the South West Africa Breweries (now Namibia Breweries) once again camped and demonstrated outside the head office of the Olthaver & List Group, which owns the breweries. The former workers demanded justice for a retrenchment that occurred as far back as 1989 and this case provides another telling example of how the ghosts of the past will continue to haunt the present if they are not put to rest.

In order to understand this long-standing breweries controversy, one has to return to the pre-independence era, to the year of the first democratic election. At the end of August 1989, the shop steward of the Namibia Food and Allied Workers Union (NAFAU) was retrenched for alleged misconduct and refusal to participate in a disciplinary hearing. This was perceived by Breweries workers as a blatant act of victimisation and over 300 workers downed tools in solidarity with their colleague and comrade. Not all of the striking workers were employed at the Breweries as some were working at the Hansa Hotel, Thuringerhof Hotel and the Windhoek Schlachterei. They acted in solidarity as "an injury to one is an injury to all". In response to the workers' protest action, the company management gave a deadline of 24 hours and retrenched all those who did not return to work within that period.

This caused outrage not only amongst union members, their families and friends but also country-wide. Shebeen owners in the North cancelled their orders from SWA Breweries and the Namibia Tavern Association said that it would not buy from the Breweries again until all workers were re-instated. The consumer boycott spread further and the company then offered the retrenched workers to re-apply for their old jobs. However, not all workers re-applied for fear of losing pensions and benefits.

SWA Breweries then took NAFAU to court to end the consumer boycott and in November 1989 a settlement was reached. Shortly afterwards, the Breweries boss promised to reinstate the dismissed workers and thus the matter seemed resolved at last. However, not all workers were taken back. Despite frequent contacts between the dismissed workers' committee and the company, no lasting solution was found and many of the dismissed workers remained unemployed and impoverished.

In 2006, the surviving workers took up the matter publicly, demanding compensation of N\$ 200 000 for the hardships suffered. This was rejected by the Olthaver & List Group which claimed that the dismissals of 1989 had been in line with the law and company policies before independence. The workers and the company then agreed to establish an independent panel to investigate the 1989 dismissals and the claims by the former employees. The panel presented its findings in February 2007.

Some of the findings were that the lingering sense of injustice experienced by the former breweries workers was fuelled by the broken promise of re-instatement, made in late 1989. Although not legally binding, the broken promise placed a moral and ethical responsibility on the employer. Furthermore, the former breweries workers had been making pension contributions during their employment but almost none of them received a pay-out after the retrenchments. This is a clear violation of rights and entitlements and the pension administrators involved now seem to claim ignorance about the whereabouts of the workers' pension contributions.

Following the discussions of the report's findings, the Olthaver & List Group made a small payment to the former employees but the issue of the missing pension pay-outs has remained unresolved. The case thus leaves a very bad taste of no justice for the poor. With legal technicalities and costs of court cases all stacked against the now aged former employees, they found themselves virtually without support. The highly effective consumer boycott of 1989 was no longer available as a weapon of struggle and their former trade union seemed unable to take their case further. Although their dismissal was clearly linked to the liberation politics of the late 1980s, the retrenched workers found little support for their demand for justice. Several have died already and the remaining ones had to endure severe hardships and poverty. Their desperate act of defiance by staging another demonstration at the Olthaver & List offices has once again received little support and was ended by a court order.

However, the ghosts of the past will not be wiped out by a court order and the question of social justice cannot be reduced to legalities. Many moral, ethical and political questions relating to the dismissal of the former breweries workers have remained unanswered as their plight seems to have been forgotten. This will not put the ghosts of our past to rest.

***Herbert Jauch is a labour researcher and educator, based in Windhoek.***