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PROGRESS REPORT MARCH 2013



MEN ON THE SIDE OF THE ROAD (W O 3 4 8)

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Much has been said and written about the 'new' Labour Act, Act No 11 of 2007. The area of interest here is the circumstances surrounding the understanding of a casual employee. In this article we address the concept pertaining to casual employee in view of the services rendered by Men-on-the-Side-of-the-Road (MSR).

The Labour Act abolished the provision for 'casual' employee. In the previous Act, a casual employee was defined as "a day worker who is employed by the same employer on not more than two days in any week". This definition resulted in an industry practice where employers would appoint employees to work on a contract, that gets renewed year-after-year, at terms less favourable than those appointed as 'permanent' employees. The employer would then refer to these appointments as short term contracts. This practice was seen as unfair treatment to casual employee.

Although the Act abolished reference to a casual employee, this does not mean that short term contracts are no longer acceptable. An employer can appoint an employee to perform a specific task for which additional assistance is required, such employment can be referred to as a short-term contract or temporary contract. A temporary contract can arise, for example when you need assistance to help you move furniture, or to unload a truck, clean a garden or a painting job. The time frame within which the work is to be performed is fixed, and once the activity is complete then the contract is immediately terminated. In such cases, the employer is not required to afford the employee similar benefit as those afforded to its permanent employees.

However, if an employer elects to utilise the same person on a regular basis to perform the task, then the person should be appointed permanently and be afforded the same benefit and terms of employment as other permanent employees.

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MSR Statistics for 2013

Month	No of placements	Estimated N\$ of placements
January	5	N\$39000.00
February	13	N\$85700.00

Casual Employees under the Labour Act of 2007, cont.

Although it is not a legal requirement to have a written contract when entering into an employment relationship, it is advisable to have such an agreement in place, in order to protect both parties interest. The basis of the contract is to outline the terms and condition of the employment relationship. This can be done in just a single page document outlining the work to be performed, the wage payable and the hours required. It is advisable in an employment relationship that both parties know beforehand what the job entails and the wage payable before commencement of that work. If additional work is required once the employee is on site, then a new contract should be negotiated.

Any written contract entered into between an employer and an employee must be signed by both parties before commencement of employment. MSR advise that it can provide any prospective MSR client/employer such a template, when using any of its MSR members.

When approaching MSR members from the respective job sites, kindly remember to ask to see an MSR membership card, and select individuals with a card that has the Namibian flag as part of the logo (watch out for fraudulent cards). If you make a note of the number on the card, we have contact details of all our members on record, should you need to contact them again.

PLEASE be aware that the job sites are public places, and not everyone you find at such sites are members of MSR, and is genuinely seeking work. If they say they have left their card at home, call us at the office, we can soon tell you whether the person is a member or not. Individuals with 'Nambianised' MSR membership cards have completed the MSR Life Skills for the World of Work training.

Disclaimer: Kindly note that this article is written for information purposes, and does not represent a legal opinion, nor is it comprehensive interpretation of the Labour Act of 2007.

International Award for Paper Insulation project

In March 2012 a group of international students from Worcester Polytechnic Institute (WPI) in the United States worked with members of the 'Men on the Side of the Road' (MSR) project to develop a low cost insulation material made from 100% recycled paper and sawdust.

On 25th January 2013 their research received the Worcester Polytechnic Institute's prestigious 'President's IQP Award.' Against a strong field of competitors who submitted their work from projects conducted all over the world, the award recognizes the student teams whose Interactive Qualifying Project has been judged outstanding in focusing on the relationships among science, technology and the needs of society. To be considered for an award, the project must be superior in conception, execution, and presentation. There are no pre-determined categories for the awards, but the award recognizes the qualities for which the project excels.

For the team from WPI and their collaborators at MSR, the goal of the project was to develop a low cost, easily produced, sustainable insulation made from recycled materials to improve thermal regulation in low income shelters. The team conducted testing on fire safety, effective insulating materials, and production techniques, using waste paper and sawdust as the raw material.

This insulation is aimed at creating a more comfortable environment for people living in low cost housing, by making the hut warmer in winter and cooler in summer, while at the same time reducing the risk of fires.

The team of Jon Cline, Emily Fournier, Emily Domingue, and Marco Villar were required to submit their project report, and give a presentation to a panel of judges. They are delighted that their hard work has been recognised. Pius Shambabi, the MSR coordinator of the project, said, "I am so proud to hear that they won the President's award. They deserved the best!"

In March, the work continues with a new group from WPI arriving to help develop a prototype mould for producing the material in sheet form. More extensive field trials are also planned for this period.