

THE LEGAL ASSISTANCE CENTRE

YOUR RIGHTS
IN A GLOBAL
PANDEMIC



LEGAL ASSISTANCE CENTRE

YOUR RIGHTS IN A GLOBAL PANDEMIC

| 2020

This publication was produced by the Legal Assistance Centre, on Your Rights in Namibia, during the global Covid-19 pandemic. All research done herein was undertaken by the LAC, with reference to all relevant local Government publications and statements issued during the time.

Content contributors:

Toni Hancox, Dianne Hubbard, Corinna van Wyk, Sharen Zenda, Yolandé Engelbrecht, Bradley Khoa, Immanuel Tomas, and Dandago !Gaoses.

THE CONSTITUTIONAL OVERVIEW

WHAT IS A STATE OF EMERGENCY?

A state of emergency is a special and specific period of time during which a government is empowered to perform actions, or impose policies that would not be permitted in the ordinary course of events. Article 26 of the Namibian Constitution authorises the President to declare a state of emergency by Proclamation in the Government Gazette in all or specific parts of Namibia “at a time of national disaster or during a state of national defence or public emergency”.

WHAT IS THE PROCESS OF DECLARING A STATE OF EMERGENCY?

As a safeguard, a declaration of a state of emergency must be confirmed by a two-thirds majority of all the members of the National Assembly. Without this confirmation, the state of emergency lapses within 7 days (if the National Assembly is sitting) or within 30 days (if the National Assembly is not sitting). If the National Assembly approves the state of emergency, it can remain in place for up to six months – and it can be extended for six months at a time by subsequent resolutions of a two-thirds majority of the members of the National Assembly. The National Assembly may also vote to revoke a state of emergency at any time. The National Assembly has already confirmed the current state of emergency.

WHAT IS THE PURPOSE OF A STATE OF EMERGENCY?

In terms of the Constitution, the President has the power during a state of emergency to make such regulations by Proclamation as are necessary in his or her opinion for the protection of national security, public safety and the maintenance of law and order. Any such Proclamation will have to be approved by the National Assembly by resolution, within 14 days of the National Assembly sitting after the President issues the Proclamation. Without this approval, the President’s regulations would automatically lapse. This allows for quicker action than the usual law-making process.

WHAT EFFECT DOES THE STATE OF EMERGENCY HAVE ON CONSTITUTIONAL RIGHTS?

A Proclamation by the President during a state of emergency may restrict the fundamental human rights of people within Namibia – but only insofar as this is reasonably justifiable to deal with the emergency situation. Any such proclamation that affects constitutional rights must be of general application, must not take

away the essential content of such rights, must not be aimed at a particular individual, must specify the extent of the limitation, and must identify the authority in terms of the Constitution to enact such a regulation.

WHAT DOES THE RIGHT TO PRIVACY ENTAIL IN THE NAMIBIAN CONTEXT?

The right to privacy is guaranteed under article 13 of the Namibian Constitution. No one may interfere with the privacy of a person's home, correspondence or communications unless it is for legitimate purposes such as the protection of public health or safety.

THERE HAVE BEEN CALLS TO DISCLOSE THE NAMES AND PERSONAL DETAILS OF PEOPLE WHO HAVE TESTED POSITIVE FOR COVID-19 ON SOCIAL MEDIA PLATFORMS. IS THIS ALLOWED?

Revealing the health status of a person is unlawful and very possibly unconstitutional as well. Furthermore, all medical practitioners dealing with such patients are bound by doctor-patient confidentiality and cannot reveal any medical information pertaining to the patient. Doing so will cause unnecessary stigma to the person affected as well as their family.

DOES THE GOVERNMENT NOT HAVE A DUTY TO REVEAL THE NAMES OF THE AFFECTED PERSONS TO THE PUBLIC UNDER ARTICLE 13 OF THE CONSTITUTION TO PROTECT PUBLIC HEALTH DURING THIS COVID-19 OUTBREAK?

There is no justification at this point in time to reveal any such information. Past experience has shown how the disclosure of people's HIV statuses led to stigmatization and many social problems for the affected person. To avoid the same situation in respect of Covid-19, it is advisable to refrain from publishing such information, as it will serve no purpose. We have to trust that the government will inform those potentially exposed to COVID-19 in person to facilitate testing and further action. The public must refrain from publicising information pertaining to people who are infected with COVID-19 as it is a violation of their right to privacy. All information relating to patients must be kept confidential and on a need to know basis.

IS OUR FREEDOM OF MOVEMENT LIMITED? DOES THIS IMPACT FREEDOM OF ASSOCIATION?

As long as the emergency regulations issued by the President of Namibia are done in terms of the Namibian Constitution, freedom of movement can be limited. Freedom of movement (Art 21(1)(g)) is one of the constitutional rights that can be restricted during an emergency. The lockdown applies to the entire country – which means that no person may enter or leave the regions unless they have obtained permission to do so under certain special circumstances.

The freedom to associate (Art 21(1)(e)) primarily relates to your right to form, join, or leave a collective, association or group. This also covers your right to take collective action as a group. An example would be a trade union or a political party. The freedom of association cannot be restricted under a state of emergency. The regulations enacted for the state of emergency may have an impact on how such associations meet and organize, but the freedom is not affected in essence.

Note that the Constitution allows for restrictions on the freedom to assemble (Art 21(1)(d)) during a state of emergency. This reinforces the position that freedom of association cannot be denied, but that it is permissible to place some limitations on how the association meets – in the form of the prohibition on large gatherings and on the movement of persons.

CAN ALL CONSTITUTIONAL RIGHTS BE SUSPENDED DURING A STATE OF EMERGENCY?

No. There are some rights that can never be taken away, not even during a state of emergency – including (amongst others) the right to life, the right to human dignity, the right to equality, freedom from discrimination, the right to a fair trial, freedom of speech and thought, freedom of association, and the right of access to lawyers and courts.

WHAT IMPACT DOES THE STATE OF EMERGENCY HAVE ON THE OVERALL ACCESS TO JUSTICE?

At the present stage of the lockdown, the attainment of justice, be it criminal or civil, will only be impacted in terms of a possible delay. The Office of the Judiciary, the Ministry of Justice, and related offices have published additional regulations detailing business continuity plans. The High Court Registrar staff are still operating with some restrictions and limited working hours, to protect the staff while ensuring the continuity of Court processes. The Court still sits for all urgent matters. Matters that are not urgent will be delayed or dealt with remotely. The magistrates' courts have implemented similar measures to ensure continuity of court processes. The courts will continue with first appearances and bail applications, which concern essential constitutional rights. The courts will also continue to deal with domestic violence protection orders and child protection proceedings.

CAN A PERSON BE DETAINED WITHOUT TRIAL UNDER A STATE OF EMERGENCY?

During a state of emergency, people over age 16 can be detained without trial – but the Constitution also provides special protections for people who are detained during states of emergency. If detention without trial is introduced to deal with an emergency, the President

must set up an Advisory Board consisting of up to five persons, including at least three persons who are judges or persons qualified to serve as judges – and who must be appointed on the recommendation of the Judicial Service Commission. This Advisory Board would be required to review all detentions without trial not more than one month after the person in question was detained, and again at intervals of not more than three months – and would have a duty to order release from detention in any case where it found that continuing detention was not reasonably necessary for the purposes of the emergency. The current emergency regulations do not provide for detention without trial.

HAS NAMIBIA EVER HAD A STATE OF EMERGENCY BEFORE?

Yes. There have been three previous states of emergency under Article 26(1) of the Constitution: to deal with the secession attempt in the Caprivi in 1999, to deal with the national drought in 2016, and to deal with the national drought in 2019.

WHAT EFFECT DOES THE LOCKDOWN AND STATE OF EMERGENCY HAVE ON YOUR JOB/WORK?

Under the regulations promulgated by the President, the President declared a range of services as essential. This means that all persons involved in service provision in these fields can get governmental permission to continue limited operations, in line with the regulations and any additional measures that may be announced by the relevant line ministry. In addition, the Ministry of Industrialisation and Trade implemented a procedure for business to submit applications for ministerial consideration to allow the businesses to operate during the state of emergency and lockdown. All businesses which have not been declared as an essential service must submit this application and obtain permission in order to continue to operate. The procedure is designed to minimise risk to the lives of employees, customers and clients.

All persons should be aware of the constitutional rights that can be restricted, and those which may not. If any important violation of constitutional rights takes place, the person affected will not be without recourse.

By the same token, persons who violate the emergency regulations may face penalties. All citizens are urged to comply with the emergency regulations to keep everyone in Namibia safe and healthy.

LOCKDOWN AND GBV

WHY DO WE NEED TO BE CONCERNED ABOUT GBV DURING THE CURRENT LOCKDOWN?

People who are confined in their homes are likely to feel frustrated, and they may vent these feelings on their children, spouses or family members. Having children and adults at home all day long may increase family conflict, with houses and communities being more crowded than usual. Victims of domestic violence may find themselves more isolated from the community during this time, and they may find it harder to reach out for help while their abusers are nearby.

WON'T THE RESTRICTIONS ON THE SALE OF ALCOHOL POSSIBLY REDUCE GBV?

It might, in some cases. In other cases, this may just lead to more frustration that could intensify violence. Namibia has never had a lockdown such as the present one before, so we do not know what to expect.

CAN A VICTIM OF DOMESTIC VIOLENCE GET HELP FROM THE POLICE AND THE COURTS DURING THE LOCKDOWN?

Yes, the police and the courts are both essential services. Although many court cases which are not urgent are being postponed during the lockdown, the magistrates' courts remain open to ensure access to justice. This means that the courts are available to provide protection orders, which are generally urgent in nature. In fact, the Chief Justice has issued directives which specifically state that magistrates' courts will continue to deal with applications for interim protection orders under the domestic violence law during the lockdown – as well as any urgent applications under the Child Care and Protection Act relating to a child in need of protective services.

WHAT ABOUT NGOS THAT PROVIDE SERVICES TO VICTIMS OF GBV?

Many organisations continue to provide access to services by telephone, SMS or email. All information contained in the infographic on the next page.

WHAT ELSE CAN PEOPLE DO IF THEY ARE EXPERIENCING DOMESTIC VIOLENCE?

Don't be shy to reach out for help. You can call out to a close neighbour for help. You can telephone a family member, a pastor or police for help. If you do not want to be overheard, send an SMS to one of the NGOs that is still operating and delete it before anyone else sees it.

We're here to help!

BEL ESPRIT



With access to a team of multi-disciplinary professionals, the Bel Esprit Mental Health Hospital is open to assist survivors seeking psychological assistance.
To reach out, contact 0833300945.

LIFELINE/CHILDLINE



To report abuse or to seek psychosocial support, the Lifeline/Childline collaboration with the Ministry of Gender Equality, Poverty Eradication and Social Welfare operates a toll-free GBV helpline.
The number is 106

THE REGAIN TRUST

REGAIN TRUST

The Regain Trust offers free counselling and referrals to survivors of SGBV. To reach out, contact the following numbers:

Khomas: 0817033203
Omusati: 0815584004
Erongo: 0815584008

THE NAMIBIAN WOMEN LAWYERS ASSOCIATION

Aimed at cementing the footprint of women lawyer in communities through pro bono work, the Namibian Women Lawyers Association provides free legal support to survivors of SGBV.
To reach out, contact 0811298620



THE LEGAL ASSISTANCE CENTRE

As the first public interest law firm in Namibia, the Legal Assistance Centre's main objective is to protect the human rights of all Namibians.
For free legal assistance, contact 0813118439 or bkhoa@lac.org.na



OUR TEAM

The #MetooNamibia Movement is a coalition of several institutional partners whose main aim is to provide legal and psychosocial support to survivors of SGBV.
To reach out, contact 0813511979.

SECURITY FORCES BEHAVIOUR DURING COVID-19

WHO ARE SECURITY FORCE MEMBERS?

Security forces in Namibia refer to all uniformed officers employed by the Ministry of Home Affairs, Immigration, Safety and Security as well as uniformed officers employed by the Minister of Defense and Veteran Affairs. This will be police, soldiers, correctional services officers, traffic officers, immigration and customs officials and other persons necessary for the success of Namibia's response to the pandemic.

ARE SECURITY FORCES INCLUDED OR EXEMPTED FROM THE LOCKDOWN?

Security forces are exempted by virtue of their classification as critical services under the State of Emergency - COVID-19 Regulations (Proclamation No. 9 of 28 March 2020, section 10(1) read together with Annexure B, part 1(15)) in that they are "safety and security services protecting people and property" for the duration of the lockdown period. These officers facilitate the emergency procedures and are therefore exempted to allow them to perform their duties.

HOW ARE SECURITY OFFICIALS EXPECTED TO BEHAVE DURING THE PERIOD OF LOCKDOWN IN RELATION TO CITIZENS?

For the duration of the lockdown period, security forces are expected to act within their mandates to ensure compliance with security measures, and to counter the State Public Health Emergency by assisting the Ministry of Health and Social Services in the fight against Covid-19. In essence security forces are expected to act in accordance with their empowering legislation, and particularly with the Namibian Constitution. Security forces are expected, in carrying out their designated duties, to ensure that no human rights violations occur and to remember that some key constitutional rights cannot be suspended during a state of emergency. For instance, even during a state of emergency, no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment and freedom of speech may not be infringed.

ARE SECURITY FORCES ALLOWED TO USE FORCE AGAINST CIVILIANS IN MAKING THEM COMPLY WITH THE SECURITY MEASURES SET UP TO CURB THE SPREAD OF COVID-19?

With regard use of force, security forces have an obligation to exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. In other words, security forces are permitted to use only those measures that

are reasonable in light of the outcome they seek to achieve. The use of force should be used only with the greatest restraint.

A state of emergency and a lockdown should not be used as a justification for human rights violations. In terms of the emergency regulations, security forces are authorised to act only to maintain the safety and security of persons and property. Even though the use of force is occasionally unavoidable, every security force member should refrain from inflicting unnecessary pain or suffering and should not engage in cruel, degrading, or inhuman treatment of any person.

Physically apprehending a person who is unwilling to comply with a legally legitimate instruction to disperse from a public gathering could justify reasonable force, but blatantly approaching a person who is complying with the lockdown guidelines (such as someone who is physically exercising alone) and physically assaulting such a person is not justifiable and is grounds for seeking redress.

IF A SECURITY FORCE MEMBER BEHAVES CONTRARY TO THE GUIDELINES THAT GOVERN THEM DURING LOCKDOWN, WHAT CAN YOU DO?

There are several institutions which hold security forces accountable. One platform for access to justice is to approach the courts. Depending on the remedy sought in a case involving the constitutional violation of a person's rights due to the behaviour of a security force member, there are two options available: (1) The complainant can lodge a criminal case against the security force member. (2) The complainant can alternatively, or at the same time, bring a civil case for damages for the violation which occurred.

Another official avenue of redress is the Ombudsman, who has the duty to investigate complaints concerning alleged or apparent violations of fundamental rights and freedoms, abuse of power, or unfair, harsh, insensitive or discourteous treatment of an inhabitant of Namibia by an official in the employ of any organ of Government.

Civil society organisations such as the Legal Assistance Centre may also be able to provide assistance. The LAC conducts internal screening procedures and may be able to assist in cases which are in the public interest (in that they are likely to impact society in general and not just the individual involved).

WHAT ARE MY OBLIGATIONS AS A CITIZEN DURING THE PERIOD OF LOCKDOWN?

All persons in Namibia should play their part in curbing the spread of Covid-19 by treating the regulatory framework with the absolute seriousness it deserves. We all have a duty to help protect each other. All members of the public should do their best to stay informed of the Covid-19 issues, remain calm, and follow the preventative

measures such as social distancing, and regular hand-washing and sanitizing, to avoid the spreading or contracting of Covid-19. Everyone should avoid leaving the safety of their home, and particularly avoid overcrowded places which increase the risk of being exposed to infection measures.

Where the authorized officials give legitimate instructions in line with the published regulations and guidelines, it is the responsibility of every person to obey. A violation of the emergency regulations can be punished by a fine or imprisonment, or both.

WHAT HAS THE LEGAL ASSISTANCE CENTRE DONE TO ENSURE THAT SECURITY FORCES ARE ADHERING TO THE LAW?

We have issued two press statements: the first to raise awareness about the constitutional framework for states of emergency and the implications for constitutional rights, and the second in which we urge security forces to abstain from behavior that violates any person's human rights during the State of Emergency and lockdown.

Our intention was to ensure that the confidence and trust of all persons in the rule of law is not misplaced. This is further cemented by endeavours such as publishing this information to inform the public of their rights and the permissible limitations on rights.

LABOUR LAW IN A TIME OF COVID-19

WHO PRECISELY HAS BEEN REQUESTED TO REMAIN HOME DURING THE LOCKDOWN?

Any and all personnel working for non-critical services have been instructed to remain at home during the lockdown period. Where employees are able to work from home, employers may assign tasks for these employees to complete during the lockdown. If the service being provided is critical, it is still encouraged that employees work from home as far as is practicably possible. However, critical service personnel might be required to come to work from time to time. Employers must ensure that only the minimum number of employees that are required to render the essential service uninterruptedly must be on site. Examples of critical services include Healthcare services; police, military and emergency services; and legal and financial services.

WHAT ARE THE RISKS FACED WHEN EMPLOYEES REMAIN HOME DURING THE LOCKDOWN?

Some of the challenges that have been noted thus far are:

a) Some employees are being forced to take annual leave or unpaid leave for the period of lockdown.

b) Some businesses are not coping and may have to close their doors permanently or reduce their workforce - they may, therefore, opt to retrench some or all employees or declare bankruptcy.

CAN AN EMPLOYER FORCE EMPLOYEES TO TAKE THEIR ANNUAL LEAVE DURING THE LOCKDOWN PERIOD?

The Labour Act provides allows the employer to determine when annual leave is taken. It does not seem to necessitate a consultative process when deciding on this. (For example, some employers require their employees to take annual leave during the festive season each year.) The Ministry of Labour, Industrial Relations and Employment Creation did, however, note with concern that certain employers are forcing their employees to take annual leave during the lockdown. The position taken by the Ministry is that these practices should be avoided at all costs, and that if any kind of leave is necessitated during these times, it should be mutually agreed upon.

CAN AN EMPLOYER FORCE EMPLOYEES TO TAKE UNPAID LEAVE?

Annual leave should be clearly distinguished from unpaid leave. The Ministry of Labour, Trade and Industrialisation makes this explicitly clear in their statement. It is illegal to force workers to take unpaid leave. This is in keeping with the Labour Act, which does not provide for unpaid leave. Thus, both employers and employees should be aware that no employer has a right to force workers to take unpaid leave.

CAN THE EMPLOYER RETRENCH EMPLOYEES DURING THE LOCKDOWN?

If an employer intends to reduce the workforce for economic or technological reasons, or because of the business if being discontinued, the employer must inform both the Labour Commissioner and any trade union that has been recognised as the exclusive bargaining agent of the employees. This notice must be given four weeks in advance, and must clearly state the reasons for the need to reduce the workforce, how many workers will be affected, the categories of workers who will be affected, and the date on which the dismissals will take place.

Not all workers have trade unions; if there is no trade union, the employer must inform elected workplace representatives and the affected employees of all of the same details which would be given to a trade union. If the four weeks' notice is impracticable (which might be the case under the economic constraints), a shorter notice period may be allowed.

The employer is expected to negotiate in good faith with the trade unions/ workplace representatives on:

- alternatives to dismissals
- the criteria for selecting the employees for dismissal;
- how to minimise the dismissals;
- the conditions on which the dismissals are to take place; and
- how to avert the adverse effects of the dismissals.

The employees to be retrenched must be selected in accordance with criteria that are fair and objective. There is an obligation on an employer to undertake a consultative process. This means that an employer cannot unilaterally implement retrenchment, without providing the affected parties the opportunity to engage and negotiate, to mitigate the negative impacts of the proposed retrenchment on the workforce.

To alleviate some of the pressure placed on businesses during this unprecedented time, the Ministry of Finance, through its Economic Stimulus and Relief Package, has undertaken to offer wage subsidies to the hardest-hit sectors in the hopes of preventing or minimising retrenchments. The idea is to assist these sectors to keep their employees on board. This initiative will cover construction, tourism, travel and aviation, and the government has set aside N\$400 million for this subsidy.

Another option provided for in the Economic Stimulus and Relief Package is the renegotiation of salaries to prevent major retrenchments and business closures. Employers, including Government, are allowed to negotiate temporary 20% reductions in salaries and wages during the crisis period, and 40% reductions in the industries which have been the hardest-hit. Such negotiations must be undertaken through a consultative process with employees and labour unions. Employers are encouraged to consider all possible options before resorting to retrenchment.

WHAT HAPPENS TO EMPLOYEES IF THE BUSINESS CLOSES COMPLETELY DUE TO FINANCIAL LOSS DURING THE COVID-19 LOCKDOWN?

If a business goes bankrupt, the business will be sequestrated. Sequestration is the process where an estate is registered with the Master and administered for the benefit of the business's creditors. Employees who lose their jobs as a result of this process will be entitled to claim compensation from the insolvent estate for any loss suffered because their employment contract was terminated. The assets remaining after the payment of outstanding debts must be used to cover the costs of sequestration, the costs of execution and

any outstanding statutory obligations (such as payments in terms of the Workmen's Compensation Act or the Income Tax Act). Whatever is left after these expenses are covered will then be used to pay salaries.

Employees in the informal sector who lose income during this time, will be eligible for the Emergency Income Grant. For those in the formal sector who lose their jobs or face reduced income, the Social Security Commission and other schemes to be initiated by Government will offer assistance.

The government has acknowledged the financial pressures on businesses during this COVID-19 crisis, and has introduced measures through the Economic Stimulus and Relief Package, to alleviate cash flow problems that businesses might face during this time. These measures include the accelerated repayment of some VAT refunds and invoices for goods and services. Some special loan schemes are also being provided.

DO THE LIMITATIONS MENTIONED ABOVE APPLY TO CONTRACT AND CASUAL WORKERS?

a) Domestic Workers?

The Labour Act and all labour regulations and guidelines apply to all employees. This includes domestic workers, who are classified as employees.

The statement released by the Ministry urges employers who have sent employees home to curb the spread of the virus, to recall these workers once the lockdown period is over. It must also be noted that the Ministry has encouraged employers across ALL sectors to ensure that their employees are remunerated in full for March and April 2020. Domestic workers and any other vulnerable groups of employees are also covered by this statement. Employers are advised that domestic workers are amongst the most vulnerable of workers. We, therefore, plead with employers to do right by the persons who ensure that their living spaces and loved ones are well taken care of.

b) Security Guards

Security services from private security firms have been classified as an essential service. Therefore, most security guards will be working during the lockdown periods. The guidelines on protective gear and a safe working environment (outlined below) are important for this sector.

WHAT OTHER RESPONSIBILITIES DO EMPLOYERS HAVE IN TERMS OF THE COVID-19 PANDEMIC?

Every employer is obliged to provide a working environment that:

- is safe;
- is without risk to the health of employees; and
- has adequate facilities and arrangements for the welfare of employees.

Employers are obligated to provide employees with adequate protective clothing and equipment, and with the necessary information and training to work without posing a risk to their health. They also have a duty to make sure that the organisation of work, including the hours of work and mealtimes, does not compromise the health of employees. It must be noted that all these interventions are at the expense of the employer. The employee is not required to bear any part of the cost.

Taken in the context of the current pandemic, this would mean that employers would have to provide any protective equipment that the situation may require, including access to hand sanitizers, soap, running water, and possibly even masks. Employers must also ensure that workspaces are clean and that surfaces such as phones and desks are cleaned with disinfectant. It would also be necessary to ensure that workers can adhere to social distancing while performing their duties, which can be done by rotating the times at which employees come into work or adjusting workspaces to ensure that facilities are not overcrowded. Information dissemination is essential during these times and employers are encouraged to educate their employees on preventative measures to curb the spread of the virus.

These measures are in keeping with the precautionary measures at the workplace regarding coronavirus released by the Ministry of Labour, Industrial Relations and Employment Creation and the World Health Organisation.

IS THERE ANY FINANCIAL SUPPORT AVAILABLE FOR SELF-EMPLOYED PERSONS IN THE INFORMAL SECTOR AND EMPLOYED PERSON WHO LOSE THEIR JOBS OR SOME OF THEIR INCOME?

Through its Economic Stimulus and Relief Package, the Ministry of Finance is offering a once-off payment of N\$750 in the form of an emergency income grant. This grant is available to person who:

- is employed or self-employed in the informal sector and was earning an annual income below the tax threshold of N\$50 000 per year;
- has lost income during the lockdown;

- is a Namibian citizen between the ages of 18 and 59; and
- does not receive any other social grants or government support (including assistance to students from NSFAF).

For those with incomes above the tax-paying threshold, Government is in the process of developing tax back loan schemes to assist employed or self-employed individuals in the 18-to-59 age bracket who lose their jobs or some of their income during the pandemic. Taxpayers will be able to borrow an amount equal to 1/12th of their tax payment in the previous tax year (in other words, one month's share of their taxes), to be repaid after one year.

People are warned not to attempt to abuse the financial support processes. There will be a strict vetting process to make sure anyone who applies for the proposed relief meets all the stipulated requirements.

WHERE DO YOU APPLY FOR THE EMERGENCY INCOME GRANT?

To apply for the grant, you should send the letters EIG to 141222, or you can dial *140*222#. You will be asked to provide details like your surname, ID number, level of income, etc. MTC will be processing the information, so in the event you do not have an MTC number, please use the MTC number of someone you can trust to take part in the process. If you do not have a cell phone, please use the cell phone of someone you can trust. One cell phone number can process more than one application. You do not need to have a bank account to receive the grant, as all the money will be sent via e-token. The process from application to the receipt of the money should take about 72 hours. The cut-off date for applications is 30 April 2020 at 11:00.

CAN AN EMPLOYEE RESIGN DURING THE LOCKDOWN?

There does not seem to be any rule preventing an employee from resigning during the lockdown. All of the normal rules about resignations in the Labour Act and in any relevant employment contract would apply.

However, certain classes of employees - such as doctors and nurses - take an oath, in which they undertake to treat any sick patients. If a nurse or doctor resigns during the pandemic merely to avoid coming into contact with Covid -19 patients, this might amount to withholding care. This could constitute gross medical negligence, which can, in turn, lead to loss of the licence to practise.

However, if there is a sound reason for the resignation, such as inadequate protective gear, any employee (including a health professional) would be entitled to resign. This is because every person is entitled to protect their own life and well-being. Any employer (including a hospital) must protect its employees adequately to guard against health risks.

WHERE CAN WE REPORT ANY LABOUR VIOLATIONS DURING THIS TIME?

The Ministry of Labour, Industrial Relations and Trade has an SMS hotline 66111 where any labour violations during this pandemic can be reported. You can also contact any of the staff at the Ministry directly, and they will assist you. A list of contact details is provided below.

As a measure to prevent and reduce the further spread of the Coronavirus (COVID-19), the Ministry of Labour, Industrial Relations and Employment Creation's staff members will operate from home.

Therefore, this Ministry's offices will be closed from 30 March 2020 until 16 April 2020.

Ministry of Labour, Industrial Relations
and Employment Creation



66111

SMS LINE FOR REPORTING **COVID-19**
RELATED COMPLAINTS AT WORKPLACE

Ministry of Health and Social Services

EMERGENCY TOLL-FREE NUMBER
FOR REPORTING

COVID-19 RELATED INCIDENTS

0800 100 100

CONTACT PERSON	CONTACT DETAILS
Commissioner: Office of the Labour Commissioner Mr Henri Kassen	0811220017 Henri.Kassen@mol.gov.na
Commissioner: Employment Equity Commission Mr Otniel Podewiltz	0811458404 Otniel.Podewiltz@eec.gov.na
Director: Labour Services Mrs Aune Mudjanima	0811646745 Aune.Mudjanima@mol.gov.na
Director: Labour Market Service Mr Albius Mwiya	0811295015 Albius.Mwiya@mol.gov.na
Deputy Director: International Relations and Advice Mrs Meriam Nicodemus	0812805523 Meriam.Nicodemus@mol.gov.na
Acting Deputy Director: General Services Mr Quintus Stefanus	0811448187 Quintus.Stefanus@mol.gov.na
Chief: Public Relations Officer Ms. Maria Hedimbi	0812684482 Maria.Hedimbi@mol.gov.na ; ndemupenghete@gmail.com
Public Relations Officer Ms. Anna Salkeus	0812293141 Anna.Salkeus@mol.gov.na ; salkeus@hotmail.co.uk



<https://mol.gov.na/>



SMS LINE 66111



FINAL WORD

IS A STATE OF EMERGENCY REALLY NECESSARY?

The government had to take drastic action to address the spread of COVID-19 after having seen the worldwide impact of this pandemic which has caused severe health problems and even death. As hard as it is to adhere to these measures, economically, or socially, we need to comply for the sake of all Namibians.

WHAT ARE OUR SPECIAL CHALLENGES?

Our hospitals are not sufficiently prepared to address an outbreak, be it through a lack of Personal Protective Equipment (PPEs) for use by medical personnel as well as the medical equipment needed to support patients infected by COVID-19, such as respirators and access to oxygen. Access to water and hand sanitizers in general are also lacking.

WHAT IS CORPORATE SOCIAL RESPONSIBILITY (CSR)?

CSR can be loosely described as the social responsibilities acknowledged by companies. Companies derive their profits from the very people that will be affected by this virus. CSR should not, however, be seen as an opportunity to be used as a publicity event. CSR is not necessarily advertised. It is the realisation that some are much better off than the majority of Namibians. It is a moral stance that appreciates the needs of many and accepts a form of responsibility to address such inequalities. We ask the business community in our country to consider the well-being of all in Namibia at this time, and that they consider providing some needed assistance for our country's response to COVID-19.

It is our people that you are supporting.

A number of corporates are already assisting and are commended therefor.

The contact for the National Disaster Fund is

Ben Nangombe-Executive at the Ministry of Health

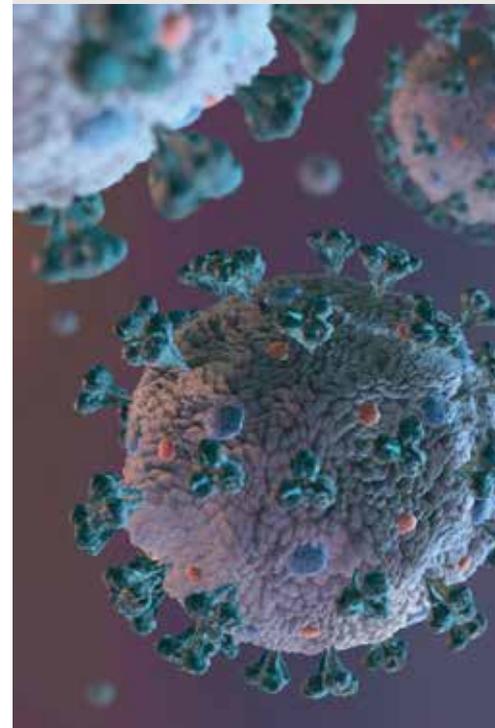
Mobile +264 81 127 6800

His details are available on the LAC website www.lac.org.na

It is suggested that any funds donated be earmarked for a specific purpose.

We are all at risk from COVID-19 – we appeal to the business community to consider what they can do to assist. Let us all try to support each other.

Your Rights in a Time of COVID-19



“We are all at risk from COVID-19 – we appeal to the business community to consider what they can do to assist. Let us all try to support each other!”

CONTACT US

We want to hear from you!
Give us a phone call or send an
email.

LAC Head Office - Windhoek
PO Box 604
4 Marien Ngouabi Street
Windhoek, Namibia

Tel: +264 61 223356
Fax: +264 61 234953
Cell: 081 600 0098
Email: info@lac.org.na



LEGAL ASSISTANCE CENTRE