



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$6.00

WINDHOEK - 29 April 2020

No. 7195

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## Government Notice

### MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

No. 110

2020

#### LABOUR DIRECTIVES RELATING TO COVID-19: STATE OF EMERGENCY - COVID-19 REGULATIONS

Under regulation 14(1) and (3) of the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020, with the authorisation of the President and the approval of the Attorney-General, I issue the directives set out in the Schedule.

**U. NUJOMA**  
**MINISTER OF LABOUR, INDUSTRIAL**  
**RELATIONS AND EMPLOYEMENT CREATION**

Windhoek, 28 April 2020

### SCHEDULE

#### Definitions

1. In these directives, a word or expression to which a meaning has been assigned in the Regulations has that meaning, and unless the context otherwise indicates -

“employee” means an employee as defined in section 1 of the Act;

“employer” means an employer as defined in section 1 of the Act;

“Regulations” means the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020; and

“the Act” means the Labour Act, 2007 (Act No. 11 of 2007).

### **Negotiation topics**

2. In addition to the requirements provided for under section 34 of the Act, the following topics form part of the subjects of the negotiations of a dismissal:

- (a) categories and manner of selection of employees to retain;
- (b) support for retraining of affected employees;
- (c) severance pay for employees; and
- (d) recall rights of retrenched employees.

### **Health and safety at work place**

3. (1) An employer must put in place safety measures at the workplace that will assist with the prevention of the further spreading of COVID-19.

- (2) An employee who -
  - (a) considers his or her place of work to be dangerous due to COVID-19;
  - (b) considers his or her place of work not to be a safe and healthy environment due to COVID-19; or
  - (c) observes that safety measures have not been put in place to prevent the further spreading of COVID-19,

may leave the place of work as provided for in section 42 of the Act and not be penalised for invoking the provisions of that section.

(3) An employee who leaves the workplace for reasons contemplated in paragraph (2), is in terms of section 42(3) of the Act entitled to -

- (a) the same conditions of service; and
- (b) the same remuneration,

during his or her period of absence.

### **Sickness and employee compensation benefits**

4. If an employee -
- (a) contracts COVID-19 or suffers from a COVID-19 related post-traumatic stress disorder during the course of his or her employment; and
  - (b) is eligible to receive benefits from the Employees' Compensation Fund,

the employee may receive such benefits in terms of the Employees Compensation Act, 1941 (Act No. 30 of 1941) for an industrial disease.

**Offences and penalties**

5. A person who contravenes or fails to comply with paragraph (1) of directive 3 commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment for a period of 6 months or both fine and imprisonment.

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