

Namibia

Namibian Constitution

Labour Directives relating to COVID-19

Government Notice 110 of 2020

Legislation as at 29 April 2020

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Labour Directives relating to COVID-19 (Government Notice 110 of 2020)

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Republic of Namibia
Annotated Statutes

Namibian Constitution

Labour Directives relating to COVID-19

Government Notice 110 of 2020

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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 Employment Creation

1. Definitions

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](#)).

2. Negotiation topics

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.

3. Health and safety at work place

- (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.

4. Sickness and employee compensation benefits

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.

5. Offences and penalties

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.