

**PUBLIC STATEMENT FROM THE EMPLOYMENT AND LABOUR SECTOR:
REGARDING A SUGGESTED COLLABORATIVE RESPONSE IN THE
WORKPLACE**

1. Based on the recent developments regarding the COVID-19; as well as the pronouncements made by the World Health Organisation (WHO), and the guidance given by the Botswana Government—led by His Excellency the President, Dr. Mokgweetsi Eric K. Masisi, and delivered through various media and public health announcements, the tripartite labour structure comprising the government, labour and business wishes to publicly contribute some ideas ,which can help in enhancing issues of personal safety, while addressing certain considerations, which are relevant in the workplace.
2. Through the medium provided by the High Level Consultative Council (HLCC), the Labour Sector met to consult on matters relating to the coronavirus, and agreed that: it was urgent and in good public order that the Ministry of Employment, Labour Productivity and Skills Development immediately issue a public statement covering COVID-19 related considerations, which may touch on employee and employer relations.
3. The aim of the statement is not only to buttress the importance of responding appropriately to the underlying dangers, which have been publicly highlighted by authorities like the Ministry of Health and Wellness (MOHW) and others, but to share certain statutory and common law

MB
MOK
JBT

considerations, which can aid workplace conversations—aimed at optimizing mutual benefit.

4. It is accepted that solutions will continue to be a matter for many stakeholders, but the labour sector requests that the following be noted and considered for collaborative action in the workplace:-

I. Corona Virus and its effects on employer and employee relationship is not as a result of any fault by either of the parties.

II. Reference be given to the provision of section 16 (1) of the Employment Act which states that " Every employer shall, unless the employee has broken his contract of employment or the contract of employment becomes, without default on the part of the employer, impossible of performance, provide his employee with work in accordance with the contract of employment during the period for which the contract is binding on a number of days equal to the number of working days provided for, either expressly or by implication, in the contract of employment"; as well as the Court of Appeal Judgment in the matter of "Botswana Meat Commission vs Botswana Meat Industry Workers Union" of 2006. In the above context, and in dealing with the current situation of the Corona Virus, and where practical, the HLCC's Labour Sector supports the position that:

- Employers and Employees consider agreeing for employees to work from home, where possible;

11/11/20
MOK
JRT N/m

- A reconfiguration of hours of work; for example, shift work in order to allow space be considered together with reduced hours of work;
 - In the event where quarantine or closure is unavoidable. Organizations could consider a staggered way of paying wages: depending on the circumstances of the company. This could entail facilitating agreements on a defined period of full pay, half pay, quarter pay and unpaid leave;
 - where possible--the suspension of operations, without pay be considered;
 - Employers and Employees continuously dialogue in good faith on the matter to deal with emerging issues.
5. In so considering, and bearing in mind that the objective has to be the minimization of adversity to both the employers and employees--emphasis should be made on a combination of both the job security of employees , and the maintenance of the business during this time.
6. If it should be so, any action by the employer or the employee resulting in the unavoidable non-performance of an employment contract as a result of the effects of the COVID-19, should be considered just and reasonable.
7. Parties are further urged to guard against any acts of discrimination, victimization and harassment of suspected cases. Besides the above, the tripartite of government, labour and business—as constituted under the International Labour Organisation (ILO) principles of tripartism further wishes to share the following tips and suggestions regarding workplace health and safety precautionary measures:-

DRB
now

JAST Nm

- Maintain high standards of a workplace hygiene programme
- Incorporate COVID-19 risk mitigations in the workplace health and safety programmes. For example introduce and promote SHE moments; if they aren't already in place
- Intensify information, education and communication on COVID-19 across workplaces
- Provide WHO recommended personal protective equipment as a contingency measure e. g sanitizers, soap dispensers
- Discourage overcrowding in the workplaces
- Maintain cleanliness of the workplaces to maintain good house keeping
- Provide washing facilities to promote personal hygiene as one of COVID 19 risk adaptation measure
- Carry out workplace risk assessments to identify COVID-19, and other risks—if this is not already in place

8. At the end of the day, it is everyone's responsibility to secure their working environment for individual, collective and national socio-economic benefits.

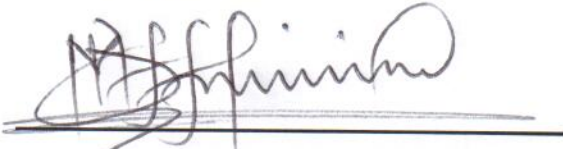
9. It is our collective duty to work on putting these coping measures in place, while we continually work with others (international community and the WHO) to contain this pandemic and similar risks.

10. The Ministry of Employment, Labour Productivity and Skills Development wishes to assure the nation that the tripartite (government, labour and business) structures are in place and dialogue is ongoing to

*JUST
M
Mofis
Nm*

ensure continuous flow of information and guidance on employment and labour related matters. This is meant to maintain harmonious industrial relations that have always prevailed in the country.

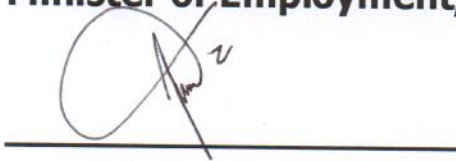
Thank you.



For and on behalf of The Government of the Republic of Botswana

Honourable Minister Mpho Balopi

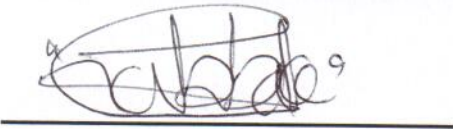
Minister of Employment, Labour Productivity and Skills Development



For and on behalf of Business

Mr Norman Moleele

Chief Executive Officer of Business Botswana,



For and on behalf of Labour

Mr Martin Gabobake

President of Botswana Federation of Trade Unions



For and on behalf of Labour

Mr Johannes Tshukudu

President of Botswana Federation of Public Sector Unions

21st March 2020