



REPUBLIC OF BOTSWANA

**STATEMENT ON ISSUES OF THE WORLD OF
WORK, PLUS BUSINESS CONTINUITY IN THE
CONTEXT OF THE COVID-19 STATE OF PUBLIC
EMERGENCY**

FOR THE

**MINISTER OF EMPLOYMENT, LABOUR
PRODUCTIVITY & SKILLS DEVELOPMENT**

HONOURABLE MPHO BALOPI

5 APRIL 2020

Honourable Ministers

Government Officials

Media

Betsho, ke a dumedisa!

In my capacity as the Minister of Employment, Labour Productivity and Skills Development, and on behalf of both the Botswana Government and the Labour Sector Tripartite, which comprises government, labour and business: I wish to share information covering our nation's integrated response to COVID-19. I will focus on the world of work and ease of doing business—now and in the future, and refer to certain information which is already in the public domain. I will also touch on suggestions aimed at correcting certain aspects which need to be understood. With the explanations, I hope that the levels of anxiety will decline – both in the workplaces and households (mo dikgwebong le mo malapeng.)

As alluded to above: what I am going to share is informed by the participation of various stakeholders—including the input of social partners who include United Nations Agencies, like the World Health Organisation (WHO) and the International Labour Organisation (ILO), but, perhaps, more importantly comprises a

Botswana Government-wide position, which is being implemented on the basis of the Botswana Constitution, and the specific regulations proclaimed and effected by the authority of His Excellency the President, Dr Mokgweetsi E. K. Masisi on the 2nd of April 2020.

It will be recalled that—prior to the proclamations made on the 2nd of April 2020: His Excellency the President made a pronouncement on the 31st March 2020 regarding COVID-19; as well as what the nation must prepare for. It is those preparations and the execution thereof, which I wish to address myself to.

I will do that in the context of the challenges facing Botswana and the world at large, plus the interventions that ought to be, or have been put in place, by Botswana. In summary, there are two (2). To prioritise the containment of the corona virus, and to assure the protection of lives, while realizing that we must all work towards attaining a normal status post COVID-19. Accordingly, our duty—as a nation is to collectively rally behind H.E the President, Dr Mokgweetsi E. K. Masisi’s call, and do what will allow us to preserve this country for posterity.

In the above context, and in addressing specific aspects of the world of work—including the ease of doing business and facilitating sustainable long-term economic development, the Labour Sector Tripartite is, currently, working through an instrument called the Botswana Decent Work Country Programme (BDWCP). Its object is to recognize the importance of people (human beings), generally, and labour and employment issues as a key component of growth and development—anywhere and in any nation. Batswana betsho, it is important that I start by highlighting and connecting the Decent Work Country Programme with the action taken by His Excellency the President regarding COVID-19. It is key to point out that the Decent Work Programme entails a contract, which has been entered into and signed by the Botswana Government, the two (2) Botswana Trade Union Federations (BFTU and BOFEPUSU), Business (represented by Business Botswana (BB); as well as the International Labour Organisation (ILO). The current programme, which was signed and consented to, by all four (4) parties mentioned above took effect from the 18th of February 2020 and runs until 2024.

I am emphasizing the importance of the BDWCP, because—as a signatory, the Botswana Government has to implement and is

already on course, in partnership with Labour and Business. Government is doing this through the various programmes, which have been announced by His Excellency, the State President, and by the Botswana Government, in general—through the Honourable Ministers of Presidential Affairs Governance and Public Administration (MOPAGPA), Finance and Economic Development (MFED), Health and Wellness (MOHW), Investment, and Trade and Industry (MITI), to name a few. This implementation, for the time being is, part, facilitated by the State of Emergency Regulations, which are in place; as well as ongoing dialogue between Labour and Business.

I wish to emphasise the role of the State of Emergency Regulations, and the continuing engagement among the social partners. It is necessary that I do this because in dealing with COVID-19, and facilitating the packages that are, presently, in the course of implementation: the main aim is not only to achieve socio-economic protection, and to collectively prioritise our individual livelihoods and those of all families; but to build a sustainable sense community and nation building as espoused Vision 2036. The Vision is a responsibility for all and sundry, and it is why I wish to share a number of concerns, and then move to the

solutions, which all Batswana (including local and foreign investors) must understand and adhere to.

Things troubling me and Government

Against the background that I have laid out above, and the open communication, which has come through Cabinet Ministers and other stakeholders—I wish you to know that I am troubled by reported incidents, which do not demonstrate unity in action. As an example, and notwithstanding the various sustenance packages/instruments and public pronouncements made by the different ministries with regularity, in the last few weeks; it is highly regrettable that certain organisations (businesses, and institutions which do business with government) have been acting in a less than proper or appropriate manner.

We have confirmed reports that some have dismissed staff, or undertaken illegal retrenchments or other such actions, which are not only inconsistent with the pronouncements made by the government, but are offensive to the type of solidarity actions required in these tough times. His Excellency the President's message is that—we must all work towards containment, while

making sure that lives and businesses are sustained. If we all subscribe to this and Vision 2036, one has to wonder and to ask the following questions be answered by all who are responsible and accountable:-

- 1.** Why are businesses and business owners not informing themselves of the various packages, from government, which have been publicly shared and happen to include providing wage replacement subsidies whose aim is to enable businesses affected by COVID-19 to retain employees in these challenging times?
- 2.** Who among truly cooperative and focused business owners can legitimately claim that: the Botswana Government has not provided for **1** above; as well as loan guarantees, and the waiving of the training levy—for the time being?
- 3.** Who among business owners and entrepreneurs can legitimately claim that: the Ministry of Finance and Economic Development (MFED) has not announced enabling intervention packages (wage subsidies, loan guarantees etc), which aggregate to a total of P5bn (Five Billion Pula), or 2.5% of the GDP—to assist with **1** and **2** above, or that—they have not been informed regarding how to access the underlying resources and concessions (tax, fiscal etc)?

4. Who among business and stakeholders—that have to be upfront in collecting information and advocating for their various constituents can claim that: guidelines have not been shared regarding any concessions whose aim is to aid cash flow; as well as monetary policy and fiscal relief, which entails mitigating against the cost of doing business or day to day survival?

5. Which business and other relevant community leaders can legitimately claim that: they are not aware that a number of industry-specific concessions have been availed by government to cover adversity arising out of COVID-19. For example, in respect of psychosocial support (including counselling services which will be facilitated and paid for by the State—further that the government will speed-up the turnaround time for payments to businesses , and will provide period extensions and other such statutory requirements to the benefit of employers and businesses (and households by extension)?

6. Who among the relevant business owners and leaders can properly claim that, he/she isn't aware that—as part of its relief packages, the Botswana Government has provided wage subsidy and loan guarantees to cover sectors that are negatively affected by COVID-19.

7. Who is not aware that the Botswana Government—with input from various stakeholders, which include the Labour Sector Tripartite, has, as far as the workplace and businesses are concerned, put up a clear message to the effect that:

(a) Workers are going to be supported during and through these difficult times, and that **(b)** everything possible is going to be done to stabilize businesses?

8. Who can claim that it is not reasonable for the government to be considering that there will be a post COVID-19 scenario that has to be thought about and planned for as we go through the current challenges and prepare for the future? The government is busy considering and any announcement will be made at the appropriate time.

I highlight the above questions in order not only to, firstly, buttress the fact that there is a conscious and active effort, which has been agreed and is in the process of implementation—further that: besides being a subject of social dialogue aimed at nation building, and sustaining the economy, specific enabling steps to implement are on course. Secondly, I wish to emphasise that this is a collective responsibility for all—assuming that we all subscribe to Botswana’s National Vision 2036.

His Excellency the State President has declared a State of Emergency and has facilitated the enabling regulations and resources. The regulations make room for revision as the case may be, and as we implement. Extreme social distancing and staying at home is the responsibility of all (families, businesses and all forms of employers). As provided for under Regulation 2 (oo), the State President has the prerogative to revise these. So let none of us provide an excuse for non-compliance.

Batswana betsho, all of us must realise that relationships—be they between and among the social partners, or between government and business or between business and labour, and, therefore, households have to be maintained beyond COVID-19. The corona virus does not care about social, or economic status—for the time being. All humanity faces the same challenges and risks.

Considering these challenges and risks, we (especially the leaders of business, government and society) must not derail ourselves, and misinform those that are none the wiser.

More importantly, all of us, and those through whom we work, must always carry out their duties in the good faith, which has

sustained this country, and has been well-guided by the principles of Democracy, Unity and Self-Reliance among others. I say this because on the 17th of March 2020, we met as a Labour Tripartite to reflect on the Decent Work Country Programme, which has since been put into effect on the 18th of February 2020.

As a result of the 17th March 2020 Labour Sector Tripartite Meeting, we (the social partners comprising government, labour and business) issued a Public Statement on the 21st March 2020—essentially spelling our commitment to work together in a harmonious, but progressive manner. The said Public Statement gives guidance not only to businesses, but to employees regarding how to approach the types of challenges we are currently facing with COVID-19.

On the basis of that Public Statement, which I assume businesses have shared with their employees, I humbly request that: those that may not have acted properly, or have done the wrong thing in mishandling the spirit of the Employment Act or matters of labour relations—must please revisit their actions and correct without delay. The tourism, hotel, retail, education and food services sectors have already run foul of the expected. I mention them just

so that no one must be under the impression that government and labour are not aware, and are expecting quick and hassle-free amends. In so correcting —proper and appropriate regard must be given to the message we have received from His Excellency the President, Dr. Masisi and all that has been put in place to mitigate.

In respect to these corrections, I am pleased to observe and to share that following quick interactions on Friday 03 April 2020 a number of the offending entities retracted their positions and did what they had to do; at least in so far as making suitable arrangements with their employees regarding transport, as an example.

Specifically, I wish to highlight that:-

i). putting workers on unpaid leave, immediate suspensions without pay, and retrenchment as the first course of action has no place in the spirit of how we are to collectively manage our businesses and social security considerations.

ii). Citing the State of Emergency, and immediately (in the last few days) forcing employees to take forced unpaid leave or instantly applying the no-work-no-pay rule is hardly palatable

iii). Forced terminations, which have been hurriedly done, or effected under the guise of Section 18 of the Employment Act be reconsidered in the context of the spirit of the COVID-19-coping packages, announced by and facilitated under the leadership of the Minister of Finance and Economic Development

iv). Hopefully, no further illegal or bad-faith-based action will be taken, under the guise of retrenchments, which are 'forced by COVID-19'. An example here is immediately subjecting employees to severance procedures as a possible method of not allowing workers to return to work after COVID-19.

Retrenchments are to be avoided. That is why active steps have been taken to ensure that the Botswana Unified Revenue Services (BURS) relaxes some of its requirements. BURS will quickly process VAT refunds, and will not withhold any qualifying payments (fiscal support) even if Pay As You Earn (PAYE) is owed, or the

appropriate return has not been submitted. Please know that we are watching and will act as appropriate.

v). In the event that such action—as described in **(iv)** above has been executed, I—through the office of the Commissioner of Labour, will request that those who offended must quickly correct, and inform themselves of the content of the 21st March 2020 Labour Sector Tripartite’s pronouncement; as well as what is being impressed upon through the questions highlighted in 1 through 8 above. That press statement can be obtained from the government portal, through Business Botswana’s communication platforms, the offices of the District Commissioner and kwa Dikgotleng.

Finally, let me indicate that:-

A. -- at such times, all must realise that we share the same exposure and risks, and must, therefore, work in solidarity as each brother’s or sister’s keeper.

B. The plight of our labour force (those who drive the economy and put food on the table), plus the safety of our frontline workers must remain a concern for all of us—further that resources are

continually being found and being put in place to safeguard them, their families and the general public.

C. In respect to B above, all businesses are to move quickly to acquaint themselves with the Factories' Act—in so far as Cleanliness, Overcrowding, Ventilation, Washing Facilities, Personal Protective Equipment (PPE), and the protection of eyes are concerned. The respective sections of the law are: **Sections, 13, 14, 15, 46, 47, 53 and 54.** All those in business, industry and are employers will be well-advised to do the needful without delay. More so given COVID-19 and others.

D. As members of the public may be aware, from parliamentary debates, the relevant laws are in the process of review to increase the security of the Botswana Decent Work Country Programme (BDWCP), to which I have already alluded. Living that commitment, and engaging on it during the COVID-19 period is a 'jet-stream', which we must take advantage of.

E. The spirit of give and take has to prevail. The government has given and is prepared to assist. Let us all reciprocate and join hands to do more.

A re saleng ditaelo tsa ba botsogo le ba bangwe morago, mme re itse fa re tlaa tswelela re baakanya dipe fela tse di tlhokang go tokafatswa—ka yone nako ya COVID-19 le mo isagong ya lefatshe leno ja rona.

Ke a leboga betsho!