



IN THIS EDITION

1. Voorwoord; bladsy 1
2. Injuries on Duty; page 2
3. Update: Submissions of VET claims; page 3
4. Odula Bookkeeping and Office Solutions; page 3
5. Initiators Training; page 5
6. Contact Us; page 7



VOORWOORD

2020 is reeds goed op dreef en ons hier by SEENA is ons alreeds druk besig met arbeidskwessies, opleiding van kliënte-werknemers en die indien van Employment Equity planne.

Ons sustersmaatskappy, Odula Bookkeeping and Office Solutions (Pty) Ltd het reeds groei getoon teen die einde van 2019 en ons doen weer 'n beroep op al ons kliënte om nie van hierdie boekhoudienste te vergeet nie. Odula kan help om daardie eiendomme van u wat in CC's geregistreer is, se jaarlikse boeke teen billike tariewe af te handel. Odula begin ook gedurende Februarie 2020 met 'n nuwe produk waar ons u kan bystaan om *credit checks* op ander besighede en werknemers te doen. Lees meer hieroor op bladsy 3 van hierdie nuusbrief.

This year will again have its business ups and downs, whether for financial, operational or other reasons. Remember, SEENA is only a phone call away and ready to help solve some of your frustrations.

Kindly remember that if you employ 25 (twenty five) or more employees, you are compelled by the Affirmative Action Act of 1998, to submit an Employment Equity Plan to the Employment Equity Commission on an annual basis. Our EE-team stands ready to assist.

We wish you the best for all your business ventures during 2020.

Lekker werk.

JJ Barkhuizen
MANAGING DIRECTOR



INJURIES ON DUTY

In terms of our law it is the duty of every employer to provide employees with a working environment that is safe, without risk to the health of the employee and that has adequate facilities and arrangements to cater to the welfare of employees.

Employers are compelled to provide employees with adequate personal protective clothing and equipment where reasonably necessary. They are also compelled to ensure that employees are given the necessary information and training to work safely and without risk to their health or personal wellbeing. Safety however, is a two way street. According to the Labour Act, 11 of 2007, every employee has a duty to take reasonable care in order to ensure his own safety and health whilst at his place of work. The Employee must also take care so that his work activities do no adversely impact on the safety and health of any individual with whom he comes into contact whilst at work.

Regrettably, even in well organised and safely structured working environments, accidents can and do occur. When this is the case it is important to be well versed in the legal steps that need to be taken as they are time sensitive and is best complied with expeditiously.

Employers are obligated to report any injury on duty, where such injury requires off-site medical attention, to the Chief Safety Inspector in the prescribed form (this form is usually easily downloadable from the Social Security Commission's Website at www.ssc.org.na. It is also readily available from any Seena Office).

Where the injury however, is classified as serious or fatal additional requirements apply. A serious injury is defined as an injury that is likely to endanger life or cause permanent impairment. In these instances:

1. The Chief Inspector must be notified by the quickest means. This will normally be telephonically, but may also be done via fax. It is good practice at this point to open an incident file. Keep a diary of all events related to the incident, file all correspondence and keep proof of all communications.
2. As soon as is reasonably practical the Employer must notify the Workplace Safety Representative/s (these safety representatives are elected in terms of section 43 of the Labour Act and applies to Employers with more than 10 employees on staff);
3. Where an accident is fatal the Employer must preserve the scene and may only disturb it if it is absolutely necessary in order to prevent further injury, rescue other victims or prevent further accidents.
4. The Employer must investigate the incident, with the involvement of the Workplace Safety Representative if applicable, and must prepare a written report for submission to the Chief Inspector.
5. Record must be kept of the incident for a period of five years.

Injuries on duty are covered by the Employees Compensation Act. The Act provides for establishment and administration of a fund that acts in similar fashion to the Road Accident Fund (RAF), in so far as it provides for the reasonable medical expenses and compensation of employees for work related injuries, much as the RAF does for the victims of road accidents. Cover is however, limited to employees earning below the current threshold of N\$ 81 300 per annum. Where an Employer has incurred medical expense of behalf of an injured employee, such expenses can be recovered from the fund, but only to the extent that the fund's allowances/limits

provide for. The Fund further takes the place of the Employer and civil action is effectively barred against the Employer through the workings of section 7 of the Act. It reads:

7. (a) *No action at law shall lie by an employee or any dependant of an employee against such employee's employer to recover any damages in respect of an injury due to accident resulting in the disablement or the death of such employee.*
- (b) *No liability for compensation on the part of such employer shall arise save under the provisions of this Act in respect of any such disablement or death.*

As employees earning above the threshold of N\$ 81 300 are not covered by the fund, the protection provided to Employers by the fund is not available when higher earning employees are affected. It is therefore important that Employers are aware of this risk and seriously consider to mitigate this risk by taking out appropriate insurance timeously.

Compiled by: Nicky Smit

UPDATE: SUBMISSIONS OF VET CLAIMS

Employers who want to claim training expenses back from the National Training Authority (NTA) for the period 1 April to 31 March 2020 can do so now, as the website (veterp.nta.com.na) is open and active. All claims in respect of this period must be submitted by no later than 30 April 2020. You can contact the NTA regarding your claim and any further enquiries at 061 207 8550.

The Vocational Education and Training (VET) Levy is only applicable to employers with a total annual payroll of N\$1 000 000.00 (one million Namibian Dollar) or more. Such an employer must pay a levy of 1% of its monthly payroll over to the NTA. This levy is provided for in section 35 of the Vocational Education and Training Act of 2008 which imposes this training levy on all relevant employers. The aim of the Act is to provide for a levy for the purpose of facilitating and encouraging Vocational Education and Training programmes.



ODULA BOOKKEEPING AND OFFICE SOLUTIONS (PTY) LTD

In our last newsletter we introduced you to Odula Bookkeeping and Office Solutions (PTY) Ltd. Odula is a subsidiary company of SEENA, spearheaded by Johan van Deventer (B.Com. Hons, UNISA, 2012). Since then we have expanded on Odula's range of services and can now also assist with credit checks at an affordable rate.

Odula's other services include:

Bookkeeping and Administration Services:

- Bookkeeping from source documents to general ledger;
- Creating a filing system for all creditor and expense related payments;
- Preparing weekly cash flow analysis;
- Preparing monthly cash flow analysis;
- Submit bimonthly VAT returns, and ensure prompt payment of VAT;
- Liaise with tax practitioner to ensure provisional and final company tax is paid timeously;
- Processing of all financial transactions;
- Processing monthly invoicing (if required);
- Preparing Monthly bank reconciliations including:
 - maintaining accurate debtor records;
 - follow up on unallocated deposits;
 - processing of client refunds and/or credit notes where approved;
 - emailing of monthly invoices and statements to clients (if required);
 - assisting with client account queries;
 - providing supporting documentation and assisting with audit queries as required;
- Providing monthly management accounts which includes:
 - Income Statements;
 - Balance Sheets; and
 - Cash Flow.

Costing:

The rule here is that you cannot manage, what you do not measure.

A proper costing exercise will enable your business to increase profitability and efficiency. The process of cost accounting, or costing, includes the gathering of new data from your business and processing that data into a format, the owner / management can use to benefit the business. After a costing exercise, you will be:

- provided with a holistic view of the Key Performance Indicators of your business;
- provided with a report on productivity measures; and
- able to identify and analyse expenditure trends.

Fees:

At SEENA our business model has always been to render services to our clients at a fixed, monthly retainer, without additional charges or hidden costs. We all want to be able to budget and in an otherwise unpredictable financial world, we believe that a little predictability is a welcome reprieve. At Odula things will be no different. Aside from Costing, which will be performed at a predetermined fee, bookkeeping and administration services will be performed at a fixed monthly retainer, without exception. Your monthly retainer will be determined, based on:

- Your annual turnover;
- The average monthly transactions of your business; and
- The level of administrative assistance you are able to provide from within your existing business structures with regard to the capturing of data.

For a free assessment and obligation free quotation please feel free to contact Johan van Deventer directly at: 064 416 122 or e-mail him at johan@odulanam.com.



INITIATOR TRAINING – THE KEY TO A SUCCESSFUL DISCIPLINARY HEARING

Since the establishment of SEENA in 2008, approximately 80% of its Labour services consisted of chairing of disciplinary hearings.

During this time, it became evident that the key to a successful disciplinary hearing and subsequent arbitration at the Office of the Labour Commissioner, is an experienced and knowledgeable Initiator (the employer's representative presenting the case of the employer during the disciplinary hearing).

What is meant by the term initiator?

An initiator is a person who initiates a course of disciplinary action. An initiator acts on behalf of the employer by presenting evidence and facts to the chairperson at a disciplinary hearing. The initiator plays the same role in a disciplinary hearing as a prosecutor plays in a criminal court of law.

Who can be an initiator at a disciplinary hearing?

There is no statutory requirement as to who an initiator should be. The initiator could thus be anyone from inside or outside the company although usually the initiator is employed by the employer.

An initiator could be amongst others:

- director;
- manager;
- supervisor;
- team leader; and
- the human resource manager.

The best person to initiate is usually the person who knows the most about the particular matter.

What does the duties of the initiator include?

Initiators tend to be under the impression that their duties are limited to what happens at the disciplinary hearing. In truth most of the initiator's responsibility lies in the preparation of the disciplinary hearing.

Some of the duties of the initiator include:

- preparing thoroughly for the disciplinary hearing;
- making sure that the accused employee will be ready to proceed with the disciplinary hearing;
- leading the investigation of the case by properly obtaining all the facts and evidence,
- ensuring that the employee charged, received sufficient prior written notification to attend the disciplinary hearing and that the charges are detailed and informative enough to enable the employee to properly prepare.

Where does the initiator start when dealing with misconduct in the workplace?

The following five steps are recommended in dealing with misconduct successfully:

Step 1: Gathering of information.

Step 2: Substantiating the information.

Step 3: Applying the facts on the disciplinary code of the employer.

Step 4: Deciding on action to be taken.

Step 5: Taking action.

SEENA has developed a comprehensive training programme with its main purpose of informing and empowering initiators with the required knowledge and skills on both a strategic and practical level. This initiator training course will assist initiators in preparing and presenting their case properly leading to more successful outcomes.

Should you be interested in attending or sending your Personal Assistant to attend our **Initiator's Training Course** please contact us today. Our contact details are as follows:

Contact Person: Sonja van der Merwe
Telephone: 061 309 260
Fax: 061 309 266
E-mail: training@seenalegal.com

Your booking will only be confirmed once payment was received.

CONTACT US

Windhoek Office

Tel: (061) 309 260

Fax: (061) 309 266

Email: windhoek@seenalegal.com

Swakopmund Office

Tel: (064) 416 100

Fax: (064) 461 000

Email: swakop@seenalegal.com

Otjiwarongo Office

Tel: (067) 304 915

Fax: (067) 304 809

Email: otjiwarongo@seenalegal.com

Keetmanshoop Office

Tel: (063) 225 931

Fax: (063) 225 932

Email: keetmans@seenalegal.com

Tsumeb Office

Tel: (067) 222 900

Fax: (067) 222 500

Email: tsumeb@seenalegal.com

Please visit our website at www.seenalegal.com if you have missed any of our previous newsletters. You can also download labour related Acts, Regulations, Collective Agreements, Frameworks and Bills directly from this site.