

NEWSLETTER

The Official Newsletter of SEENA Legal
Consult.



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PREFACE:

Maart 2025 is reeds op ons, wat aandui hoe vinnig die jaar vorder. As besigheidspersone is dit noodsaaklik om 'n oomblik te neem om te heroorweeg en te verseker dat ons op koers bly om ons doelwitte te bereik.

In the hustle and bustle of daily operations, it's easy for plans to get overshadowed. Remember the saying, "A goal without a plan is just a wish."

In this edition of our newsletter, you'll explore key topics such as the advantages and drawbacks of client communication through messaging apps and social media, the definition of domestic work as it relates to the new National Minimum Wage, and updates on the latest amendments to the Social Security and Employees Compensation Acts.

Ons by SEENA Labour weet dat daar elke dag uitdagings met dissipline in die werksplek is. Moet dit nie alleen aanpak nie, kontak eerder jou naaste SEENA kantoor.

SEENA groete,

Koos Barkhuizen
Managing Director

NAVIGATING PROFESSIONAL BOUNDARIES: THE USE OF MESSAGING APPS AND SOCIAL MEDIA

In today's fast-paced, digitally connected world, messaging apps and social media have become cornerstones of professional communication. They offer unparalleled convenience, immediacy, and a sense of personal touch. However, while they are invaluable tools for client interactions, employees must clearly understand what can and cannot be shared on mainstream messaging platforms and social media to maintain professionalism, confidentiality, and the organisation's reputation.

Employees who communicate with clients via messaging apps or making posts on social media can still be held liable for, what is now referred to as e-misconduct. Handling this type of misconduct is a multifaceted issue for employers, requiring a delicate balance between respecting employees' privacy rights and safeguarding legitimate business interests.

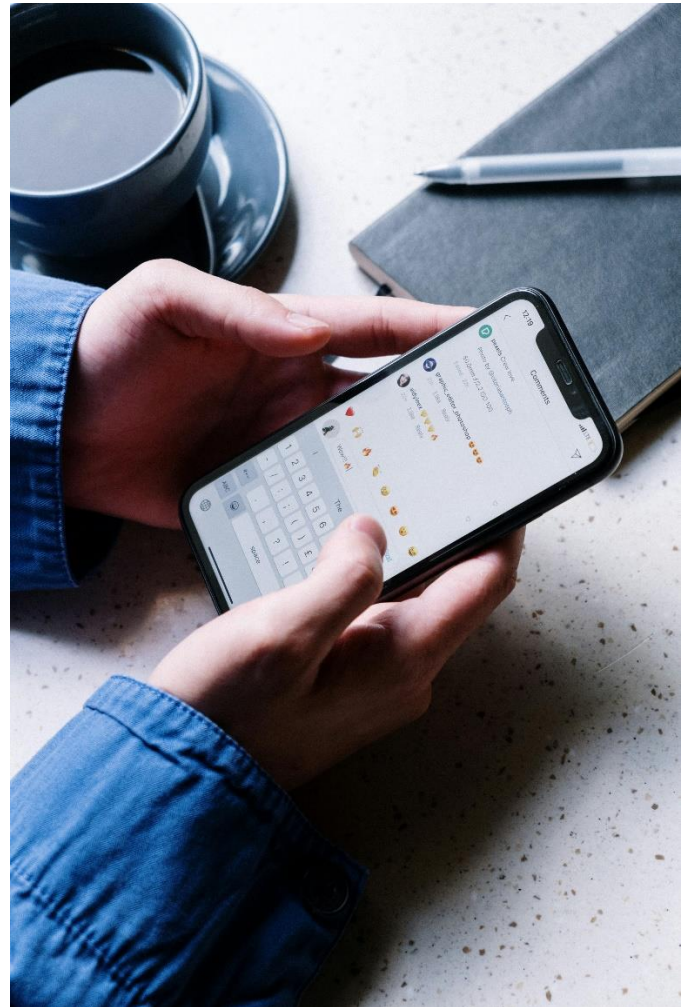
Examples of such behaviour includes:

- the matter of *EDCON Limited v Cantamessa and Others*¹, where an employee was dismissed after she made a racially offensive post on her Facebook account; or
- the matter of *Motloung v The Market Theatre Foundation*² where the employee had been dismissed for what the Commissioner described as "a hate speech statement on Facebook"; or
- where employees who communicate with clients via WhatsApp, share a derogatory status on their profile; or
- an employee who sends a confidential document via WhatsApp, but to the wrong person and in doing so, sensitive data is leaked.

The Perks and Pitfalls of Messaging Apps and Social Media

Messaging apps such as WhatsApp along with social media platforms like LinkedIn, Twitter, and Facebook, offer several benefits:

1. **Real-time Communication:** Instant messaging and social media allow for swift responses and quick decision-making, enhancing client



satisfaction.

2. **Accessibility:** Clients and employees can communicate from anywhere, breaking down geographical barriers.
3. **Personalisation:** Messaging apps and social media provide a more personal and direct way to connect, building stronger client relationships.

However, these benefits come with significant responsibilities and potential risks and the Employer must implement clear policies and guidelines to manage this form of communication.

Clear Guidelines for Appropriate Use

1. **Misconduct:** Regularly remind employees about the potential consequences of behavior that violates the employer's disciplinary code, even if it is done outside of working hours and on a public platform. That includes using insulting, abusive, obscene, racial or tribalist language.

2. **Professionalism:** Employees must maintain a professional tone in their communication at all times. Casual language, emojis, and abbreviations might be acceptable among colleagues, but can be misconstrued by clients. Ensure that all communication is clear, concise, and free of slang or informal language.
3. **Confidential Information:** Employees should never share sensitive or confidential information via messaging apps or on social media.
4. **Documentation:** Keep a record of important conversations. While messaging apps and social media are great for quick exchanges, significant agreements or decisions should be followed up with an email or documented in a formal system to ensure there is an official record.
5. **Client Consent:** Always obtain client consent before using messaging apps and social media for communication. Some clients may prefer emails or phone calls over these platforms. Respect their preferences and ensure they are comfortable with the chosen communication method.
6. **Avoid Over-sharing:** When communicating with clients on WhatsApp, personal information or informal updates unrelated to work should not be shared. Stick to professional topics and relevant project updates to maintain the focus of the communication.
7. **Spell-check and Grammar:** Always check spelling and grammar before sending messages. Spelling and grammatical errors can make communications look unprofessional and may reflect poorly on the employee and the organisation.
8. **Profile Picture and Status:** If employees are using their personal phones for communication with clients, they must select a profile picture and status that does not tarnish the image of the business and adds to their own professional image. Avoid using overly casual or inappropriate images and statuses that could be misinterpreted by clients.

Consequences of Misconduct

Failure to adhere to these guidelines can have severe consequences:

- **Data Breaches:** Sharing confidential information on unsecured platforms can lead to data breaches, causing financial loss and



damaging the organisation's reputation.

- **Legal Ramifications:** Miscommunication or unauthorised sharing of information can lead to legal issues, including breaches of confidentiality agreements and compliance violations.
- **Client Trust:** Inappropriate or unprofessional communication can erode client trust, potentially resulting in the loss of valuable business relationships.

Conclusion

Messaging apps and social media are powerful tools that, when used correctly, can enhance client interactions and streamline communication. However, understanding the boundaries and maintaining professionalism is crucial. By following clear guidelines, employees can ensure that their use of these platforms upholds the organisation's standards and protects both the company and its clients from potential risks. With clear guidelines and a professional approach, the use of messaging apps and social media can be a seamless part of professional communication in the industry.

1. *EDCON Limited v Cantamessa and Others* (JR30/17) [2019] ZALCJHB 273 (11 October 2019)
2. *Motloung v The Market Theatre Foundation* [2011] CCMA GAJB 4458-11

NATIONAL MINIMUM WAGE AND DOMESTIC WORK

With the newly implemented National Minimum Wage (NMW) having taken effect on 1 January 2025, many employers are seeking to save where they can.

Seeing as the National Minimum Wage order permits for a phased implementation of the NMW over a three-year period, we have received regular queries as to what exactly constitutes "domestic work".

Although it is generally understood that domestic work relates to work performed for a private household, normally in the form of cleaning, gardening or child minding, these services do overlap with those offered by some commercial enterprises, such as:

- Child minding offered by a nursery school;
- Professional cleaning and gardening services;
- Cleaning work performed at lodges and hotels, etc.

The question then arises as to whether or not work performed for these commercial enterprises constitute domestic work, thereby permitting the adoption of the NMW over the next three years.

Government Gazette 6248, defines domestic work as: "work performed in or for a household".

According to the Oxford Dictionary, a household is defined as: "a group of people, often a family, who live together in a house or flat, and is also used to refer to something connected with or belonging to a home". Stretching this definition to include work performed as part of a commercial venture is a stretch too far. We therefor strongly advise that unless the work is performed as part of domestic work in a private household, the NMW be implemented at its current N\$ 18 per hour.

AMENDMENTS TO SOCIAL SECURITY ACT

Attached to this Newsletter, you will find the latest amendments to the Employment Compensation and Social Security Acts, which amendments are applicable as from 1 March 2025.



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PUBLIC NOTICE

AMENDMENTS TO SOCIAL SECURITY ACT, 1994 (ACT NO. 34 OF 1994).

Dear Valued Stakeholders,

The Social Security Commission (SSC) announces hereby the following amendments to the Employment Compensation Act and Social Security Act, as per Government Notice No. 8461 dated 01 October 2024, effective **01 March 2025**.

MATERNITY LEAVE, SICK LEAVE AND DEATH BENEFIT (MSD)

1. The current maximum **basic wage ceiling of N\$ 9000.00 increased to N\$ 11,000.00**. The contribution rate remains at 1.8% of the employee's basic wage shared on a 50/50 basis by employer (0.9%) and the employee (0.9%) at the increased basic wage ceiling of N\$ 11,000.00.
2. Additionally, **the minimum wage ceiling will increase from N\$300.00 to N\$500.00 per month**.

With this notification the SSC request all registered Employers to amend their SSC monthly contribution deductions respectively.

For further information, kindly contact our SSC offices.

Issued by Communications and Marketing Division.

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PUBLIC NOTICE

AMENDMENTS TO EMPLOYEES' COMPENSATION ACT, 1941 (ACT NO. 30 OF 1941).

Dear Valued Stakeholders,

The Social Security Commission (SSC) announces hereby the following amendments to the Employment Compensation Act as per Government Notice **No. 8461** dated 01 October 2024, effective **01 March 2025**.

EMPLOYEES' COMPENSATION FUND (ECF)

1. The minimum amount of compensation for permanent disablement in respect of **monthly pension is N\$500.00**, with effect from **01 March 2025**.
2. In addition the ECF benefit ceiling for persons being regarded as employees will increase from current ceiling of N\$81,300.00 per annum **to N\$101,625.00 per annum**. Employees earning above the ceiling can be included subject to Special Arrangement with the Commission.

For further information, kindly contact our SSC offices.

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