

An overview of

PUBLIC HEALTH EMERGENCY BILL 2020

22 June 2020

The Government of Maldives has proposed a Public Health Emergency Bill to address various issues arising due to the global Covid-19 pandemic and the state of public health emergency announced in the Maldives in relation to the same. Once passed into law, it shall remain in force for a period of 60 days, from the date on which a state of public health emergency announced relating to Covid-19 is lifted.

The Bill is currently at the parliamentary debate stage.

What is this Bill proposing?

Matters relating to employment

Leave

- Employees in quarantine, isolation or being treated for Covid-19 must be granted special paid leave by the employer where a document issued by the Director General of Public Health affirms the employee's status.
- Employees who are directly responsible for a family member that needs to be treated for Covid-19 at home, shall be granted special family obligations leave with the requirement of submitting to the employer, a document issued by the Director General of Public Health affirming the employee's status.

Wages

- Employers are to be prohibited from making any unilateral decisions relating to the wages of the employees and mandatory unpaid leave.
- Any changes in wages and unpaid leave may only be allowed where the employer and the employee are able to come to a mutual agreement.

Termination

- Employers are prohibited from terminating employees during this period.
- Can terminate IF a decision had to be made due to the negative financial impact on the employer due to Covid-19, to the point where the employer is unable to pay the wages previously paid to employees and it becomes necessary that the structure of the employees needs to be revised.
- An employer deciding to terminate employees is required to give notice to employees and inform them of the guidelines to be followed by the employer in deciding which employees will be laid off.

Employment disputes

- An employee has the right to file a claim at the Employment Tribunal.
- Claim can be filed within 90 days from the day the action was taken or 30 days from the day on which the state of public health emergency has been lifted, whichever occurs later.

Provision of treatment & health insurance

Maldivians

All treatments for Maldivian citizens who have tested positive for Covid-19 shall be covered under the National Health Insurance Scheme or a special scheme or fund allocated for Covid-19.

Expatriates

- All treatments for expatriates who have tested positive for Covid-19, must be covered under a health insurance scheme which they have been enrolled in.
- Where employees have not been enrolled in a health insurance scheme, employers of those expatriates shall be responsible for the cost of all treatments.
- Where expatriates are under the custody of the Government due to expiry of their work visas, the Government shall facilitate all Covid-19 related treatments for such expatriates.

Housing & protective steps on fundamental services

- Notice clauses in pre-existing residential tenancy agreements are to be overridden and even if there is no such written agreement, landlords will be required to give a 60-day written notice to evict any tenant and/or terminate such an agreement.
- During the notice period, landlord is barred from taking any actions to obstruct the tenant in enjoying the full benefits of the premises or evict the tenant, which further includes petitioning to any relevant court.
- A tenant may file a complaint to the Ministry of National Planning, Housing and Infrastructure, where a landlord engages in any activity during the notice period, which obstructs the full enjoyment of the premises. Where it has been found that a landlord has engaged in any such activity, a fine of MVR 5,000/- is to be imposed.

Mortgages

- Initiation of mortgage enforcement proceedings of any residential mortgages is to be prohibited.
- Enforcement proceedings initiated prior to the Bill coming into force must be halted temporarily until the state of public health emergency is lifted.

Social welfare

- Government is to ensure that people who are facing financial difficulties due to Covid-19, and either have or may become homeless at the time or after the Bill is passed into law, are provided temporary shelter until the state of public health emergency is lifted.
- Government is also required to ensure that people faced with food insecurity are either provided food directly, through a third party or provided with financial assistance to achieve food security.

Income tax relief

- Commencement of Employee Withholding Tax, the requirement for interim payments and submission of tax return are to be suspended until the state of public health emergency has been lifted.
- The new date of commencement for the aforementioned taxes and payments, will be published in the Gazette by the President.

Access to justice

- Where the state of public health emergency subsists, courts and tribunals are required to carry out remote hearings in order to facilitate access to justice. In addition, submission of claims, exchange of statements or documents related to the proceedings will be done electronically.
- Where a deadline of less than 10 days has been given under the law to submit a claim, 10 extra days are to be granted. However, this extension of deadline is not applicable for remand hearings.

Administrative powers of the State

- Documents to be issued by or submitted to ministries and other state institutions are to be issued or submitted electronically.
- Submission of Annual Reports and Financial Statements of State institutions, banks, any other financial institution or company which became due from 12 March 2020 onwards, shall be deemed suspended from thereon. The same suspension of obligation has been provided for audits as well.
- New deadline for the submissions of these documents shall be:
 - where such document was due on a certain date, 30 days from date the Bill sunsets; and
 - where such a document was to be submitted within a specific period, the period will be counted starting from the date on which the Bill sunsets.

Special powers to enforce the Bill

During the subsistence of a state of public health emergency, it is proposed that the following penalties are to be enforced by the Police, against those that violate orders of the Director General of Public Health:

- a fine between MVR 5,000/- and MVR 10,000/- for individual citizens;
- a fine between MVR 10,000/- and MVR 100,000/- for a legal entity.

The Bill also includes special principles relating to health practitioners, details of which have not been included in this overview.

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