

My Rights in the time of CoVid-19

As a legal professional, can you help the general public understand their rights during the international CoVid-19 pandemic?

In keeping with our focus on the Rule of Law, LexisNexis South Africa (LNSA) has launched a project aimed at informing the general public of their rights during this difficult time. We will create a blog on our News and Insights site (available at <https://www.lexisnexis.co.za/news-and-insights/law-and-technology>) providing free access to resources.

We are calling on legal professionals to be a part of this worthwhile initiative, by contributing articles that will address the questions listed in this notification, free of charge. We would also be happy to include articles on questions and topics that pertain to the theme, but that we have not listed below.

As a company, LexisNexis has a proud legacy of supporting the Rule of Law on a global basis and of **enhancing the potential of the African continent by Advancing the Rule of Law**. We believe this is the very foundation for the development of peaceful, equitable and prosperous societies.

Please join LexisNexis and our team of editors as we endeavour to offer assistance to the public in understanding the complexities of the law in relation to the impact of CoVid-19. All articles will be professionally edited and will be posted on the blog once accepted. Your authorship will be acknowledged, and articles will be open for all to access.

Send your submissions to caselaw@lexisnexis.co.za

“This is the most decisive Thuma Mina moment for our country”
President Cyril Ramaphosa, address to the Nation, 15 March 2020

CONSUMER LAW

Am I able to claim back the full cost of my airline ticket and/or tour to a country where access has now been prohibited or that we, as South Africans, are not allowed to enter?

I had planned to host a party. The venue, caterers and entertainment etc have been booked and paid for in advance. Due to the ban on gatherings of more than 100 people I have had to cancel the event. Can I claim a full refund from the venue hire and other service providers?

CONTRACT

What are the different effects Covid-19 has not only in terms of Force Majeure, but also in terms of the lesser-known "Hardship Clause"? Explain the terms for easy understanding.

LABOUR LAW



My employer has shut down the business due to the Coronavirus outbreak. We will be paid our basic salary, however most of my income comes from commission earned. Do I have a claim against my employer for my average commission earnings?

In terms of a force majeure does the principle of "no work, no pay" apply. If yes, because of the acceptance of the force majeure, does that not also mean the employment contract is or can be cancelled due to the force majeure? Are there any insights on this?

Can I be forced to come to work if I'm scared?

HEALTH AND SAFETY

How can I protect my employees in the client environment?

CRIMINAL LAW

- Will panic and fear constitute a criminal defence for a lesser crime (minor assault)?
- What are the rights of prisoners in this time?
- Will the limitations on gatherings beyond a certain number be applied to them (in terms of the number of prisoners allowed per cell)?
- How will prisoners be quarantined?
- How will social distancing be successfully applied in a prison environment?

IMMIGRATION

- What happens to a foreign national if they are prohibited from returning home (to a country that has a high risk of CoVid-19) and where that foreign national's work visa is about to expire?