

an overview of the

# Public Health Emergency Bill 2020



# Public Health Emergency Bill 2020

## Areas Addressed



Employment



Housing



Social Welfare



Tax



Courts & Tribunals



Other Matters

# Introduction

This Bill sets out provisions with regard to special procedures needed to implement temporary measures and to facilitate smooth functioning of the state authorities in order to provide safety and assistance to the individuals, families and businesses during the period of state of public health emergency declared as a result of the ongoing the coronavirus COVID-19 pandemic.

This legislative initiation is intended to:

- △ Assist families who are deprived of their essential needs;
- △ Ensure housing protection for all and provide a mechanism to grant employees special leaves during this period, and to delineate measures that can be taken against an employee – salary reduction, forced leave, termination;
- △ Provide financial assistance provided by the state to destitute and at-risk and provide tax relief for businesses– during this period,

The provisions of the Bill will take effect from the date of ratification and sunsets on the 60th day after the end of Public Health Emergency or any other emergency declared due to pandemic.

This overview provides a summary of key provisions of the Bill.

# Employment



## Special Paid Leave

Employers are required to provide special paid leaves in the following instances.



### Case



### Required Proof



### Leave Duration

Employee is under quarantine, or is a suspected case of COVID-19

Document issued by DG of Public Health

Until end of quarantine or cleared as a suspect

Employee is placed under isolation after being tested positive for COVID-19

Document issued by DG of Public Health, or document issued by a medical facility

Until end of isolation

Employee cannot attend work because the employee has to stay out of the island where they usually reside due to an order of DG of Public Health

Due communication of the situation to the employer

Until the end of such situation



### Case



### Required Proof



### Leave Duration

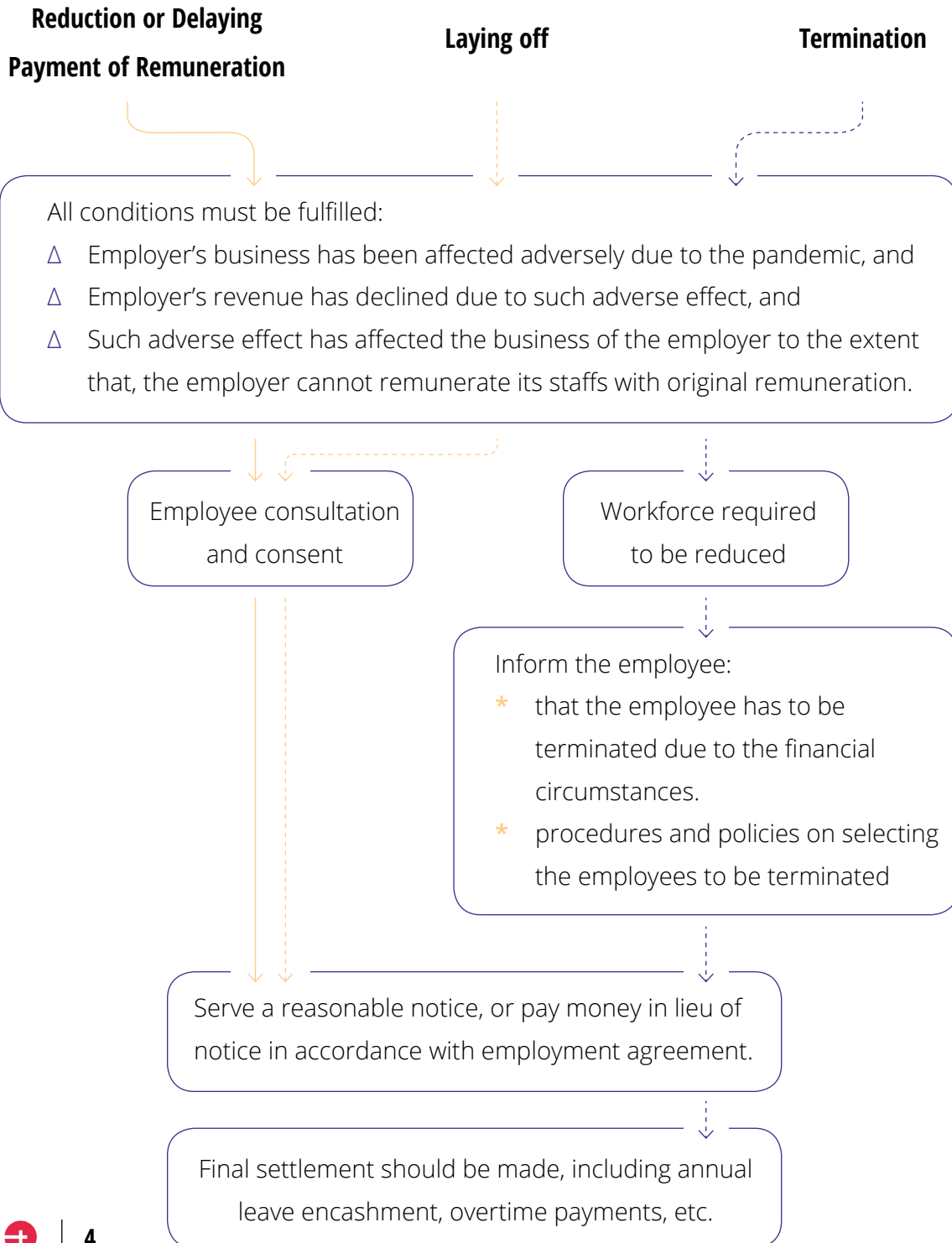
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<ul style="list-style-type: none"><li>△ a family member of the employee is tested positive for COVID-19</li><li>△ the employee is directly responsible for taking care of that family member</li><li>△ the family member is required to carry out medication at home</li></ul>	Document issued by DG of Public Health	Duration of the treatment
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### Key considerations:

- △ If an employee is entitled to more than one type of Special Leave, all those leaves should be afforded to the employee.
- △ The employee's leave entitlements under the Employment Act or any other regulation will not have any effect due to the Special Leaves under the Bill. For example, the 30-day paid sick leave should not be considered as utilised even if the employee has been granted special leave for being infected or tested positive for COVID-19.

# Reduction or Delaying Payment of Remuneration, Layoff & Termination



## Dispute Resolution



- △ Employee has the right to lodge a case at the Employment Tribunal if any of the prohibited actions are taken against the employee.
- △ Such action should be brought against the Employer within 90 days of such action or within 30 days of the end of emergency declared due to COVID-19, whichever comes later.

# Housing



## Moratorium on Evictions



- △ Landlord of leased residential property is prohibited from evicting the leasees unless a 60-day prior written notice is served.
- △ Landlord is barred from taking any action, including filing a case at the courts, to evict the lessees during this period.

## Moratorium on Enforcement of Mortgage



- △ Mortgagor or any other party must not take any action, including instigating procedures in Mortgage Act or filing a case at the court, to enforce such mortgage.
- △ In the instance where enforcement actions have already been instigated, such action should be frozen.



## Prohibited Actions



- △ During the effective period of the Act, Landlord is prohibited from carrying out following actions:
  - \* Disconnecting utilities, including electricity, water supply and telecommunication;
  - \* Any action which disrupts the peaceful enjoyment of the lessee
- △ Anyone who breaches these provisions will face a fine of MVR 5,000.

## Dispute Resolution



If any party acts in contravention to the provisions regarding leased residential properties, the affected party may lodge a complaint with the Ministry of Housing and Urban Development.

# Social Welfare



## Treating COVID-19 Patients



### Insurance for Maldivians

- △ State should provide insurance for the treatment expenses of COVID-19, either under the National Health Insurance Scheme or any other scheme or fund.
- △ Should cover all in-patient and out-patient treatments including expenses for testing and medication.



### Medical Treatment Costs of Foreigners

- △ Foreigners infected of COVID-19 is covered under the Health Insurance Policy that they have taken.
- △ If the foreign employee has not been insured, treatment costs should be borne by the employer.
- △ If a foreign worker's work visa has expired and is under the control of relevant government authority, healthcare should be provided by the government.

# Assistance to Affected Persons



## Temporary Shelter

- △ Government must provide temporary shelter for the people who have lost their shelter due to adverse effects on income caused by COVID-19.
- △ This should be provided until the end of 60-days from the end of emergencies declared due to COVID-19.
- △ The shelter should be provided without discrimination, and should have amenities for proper sanitation, sleeping and having food.



## Providing food

- △ Government must provide food for the people who are in dire condition due to the adverse effect on income caused by COVID-19.
- △ This assistance should be provided until the end of 60-days from the end of emergencies.
- △ Government has discretion to provide food through third parties or to support eligible parties financially.
- △ The assistance should be provided without discrimination.
- △ Reasonable steps to stop the spread of COVID-19 should be taken while providing food.

# Tax



## Postponements in Income Tax



- △ Commencement date of tax on employment income is delayed.
- △ Deadline to make interim payments of income tax that become due during the period of Medical emergency is postponed.
- △ New commencement dates should be declared by the President.
- △ Any tax returns to be filed in relation to income tax should be postponed by the MIRA.
- △ Regulation should be made by the MIRA, within 14 days from the effective date of the Act, with the details of the procedures to be followed regarding the postponed taxes.

# Courts & Tribunals



## Online Filing



- △ Courts and tribunals should make arrangements so that cases can be filed electronically, and the documents which need to be delivered to the parties and others can be delivered electronically.

## Hearings



- △ Hearings can be carried out as closed hearings.
- △ Courts and tribunals should make arrangements to carry out the trials and hearings through audio or video link, after considering the following:
  - \* Type of the case.
  - \* The threat level of COVID-19 determined by relevant authorities.
  - \* Steps taken to stop the spread of COVID-19 by relevant authorities.
  - \* Level of competency of the parties to participate in the hearing.

## Extension of Deadlines



- △ If the law requires a case to be filed in 10 days or less, deadlines are extended for further 10 days (does not apply to remand hearings).
- △ If the law requires a case to be filed in more than 10 days, deadline may be extended by authorities with approval from the Court.

# Other Matters



## Electronic Documents



- △ Document which is required to be issued by state authorities can be issued electronically.
- △ Where laws or agreements require certain documents to be hand-delivered or delivered via post, during the effective period of this act such document can be delivered electronically.

## Financial Statements & Annual Reports



- △ Submission of Financial Statements and Annual Reports by a State institution, bank, non-financial institution or a company which became due after 12 March 2020 are suspended.
- △ New deadlines for submission:
  - \* If it is due within a certain date, 30 days from the date on which the Act sunsets.
  - \* If it is due within a particular period, the period should be calculated from the date on which the Act sunsets.

## Additional Powers to DG of Public Health



- △ If an order issued by DG is violated by an individual or legal entity, DG may impose a fine between MVR 5,000 and MVR 10,000.
- △ DG may order Maldives Police Service to enforce steps or to enforce any other order made by DG.

## Special Enforcement Powers



- △ In enforcing, orders issued pursuant to this Act, Maldives Police Service is vested with the following powers:
  - \* Ordering to violators to follow the orders and arresting any person who fails to comply with such orders.
  - \* Dispersing the crowd if it was assembled violating orders.
  - \* Fining the violators on the spot.

## Registration of Healthcare Professionals



- △ The relevant council may issue a temporary license to the healthcare professionals, if the Council is of the opinion that the professional is competent and
  - \* Where Healthcare Professional has obtained a certificate required to be licensed in the field, however, has not obtained a license under the normal rules because he has not undergone training or an exam.
  - \* Where the license has been temporarily suspended.
- △ Such a decision made by the Council to license or to revoke a license of healthcare professionals cannot be challenged.

## Temporary Treatment for Drug Addicts



- △ National Drug Agency should provide temporary detoxification treatments to the drug addicts who are brought into the custody of the Maldives Police Service, and to those addicts who are quarantined or isolated at a facility.
- △ The treatment should be carried out with the consent of the patient and if the patient is a minor, apart from the patient, consent of the parents should also be sought.



For additional information with respect to the Public Health Emergency Bill 2020, please contact the following members of our team:



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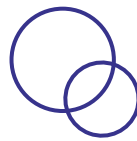
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## **ABOUT US**

CTL Strategies is a multi-disciplinary law firm registered in the Maldives, specialised in tax advisory services. We advise international hotel chains, multinational companies, some of the big four audit firms, and a number of the world's largest companies as well as high net-worth individuals on commercial transactions, tax compliance, planning and tax disputes.

We are ranked by the Asia Law Profiles as a Highly Recommended tax disputes firm in the Maldives in addition to being recognised as a leading law firm in the Maldives from 2017.

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This publication is intended to provide an overview of the Public Health Emergency Bill 2020. It should not be taken as legal or tax advice of any nature, nor should be regarded as offering detailed explanation of all the matters addressed in the Bill. Readers are advised to seek professional advice specifically to their particular circumstances.