



**CENTURION**

Lawyers and Business Advisors

**COVID-19 LEGAL  
UPDATE:  
GABON**

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# EMPLOYMENT

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## **REDUCING EMPLOYEES' WORKLOAD AND PAY DURING THE COUNTRY PANDEMIC/ LOCKDOWN WITHOUT TRIGGERING REDUNDANCIES.**

Note that the employer is not entitled to unilaterally decide that its employees stay away from work for a reduced wage.

As no specific measures have been taken, we suggest the following solutions:

- Working from home with their full wage;
- Partial/temporary unemployment with the agreement of the work inspection;
- A written new agreement between the employer and the employee modify terms related job description, work hours and wages. We recommend that such new contract be sent to the work inspection for approval.

## **OUTSTANDING LEAVE DAYS AND FORCED PAID LEAVE OR UNPAID LEAVE DURING THE PANDEMIC/LOCKDOWN. DEDUCTING QUARANTINE PERIOD FROM ANNUAL OR SICK LEAVE**

Outstanding Leave Days:

Taking into consideration the exigences of the pandemic, employers may require that employees take their outstanding leave days with the approval of the work inspection.

Forced Paid/Unpaid Leave:

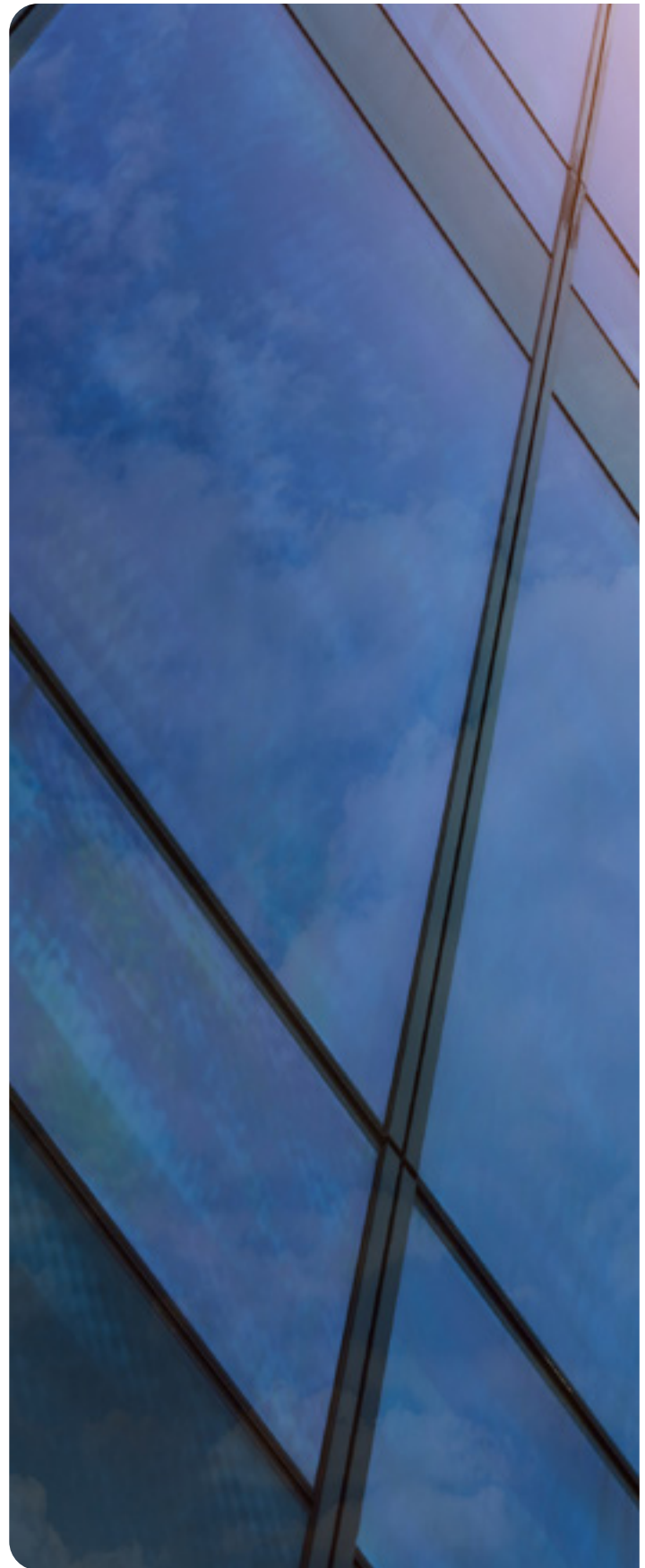
Employers cannot force employees to take unpaid leave during this period. An employer may however cause an employee to take paid leave with the authorisation of the work inspection.

Deducting quarantine period from annual or sick leave:

There are still outstanding questions on this issue as it is yet to be addressed in Gabon. However, based on the Labour Code, provided the quarantine is mandated by the government, we believe it should not be deducted from the employee's annual or sick leave.

## **RENEGOTIATING TERMS OF EMPLOYMENT**

Terms of employment can be renegotiated according to the Gabonese Labour Code provided the changes are agreed between the parties. We suggest obtaining the approval of the work inspection for any renegotiated agreements.



## REMOTE WORK

Employers are required to pay full salaries to employees who are unable to work remotely but need to stay at home under any lock-down order or quarantine. The exception is where the parties agree to a specific arrangement with the subsequent approval of the work inspection.

## REDUNDANCY/TERMINATION OF EMPLOYMENT

An employer cannot lay off employees merely because of the pandemic. Nonetheless, employers may dismiss any employee for economic reasons or on grounds of economic difficulties.

## EMPLOYMENT ENTITLEMENTS AND BENEFITS WHILE WORKING REMOTELY DURING PANDEMIC/ LOCKDOWN

As no specific measures on this point have been adopted, we believe that the employee will be entitled to their usual employment benefits under the contract. However, we opine that the allowances and advantages directly linked to their presence in office could be deducted (for example food allowance and transport allowance).

## COMPANY COVID-19 POLICY AND COMPANY LIABILITIES

Considering the lack of governmental measures so far, we recommend that employers adopt a written COVID-19 policy which should be approved by the work inspection. This policy should be in line with global policies to educate employees and provide safety measures against the spread of the virus.

Directors and Company officers could be held liable to the employees for a breach of duty where the company fails to implement adequate work safety measures. This is based on the common principle of civil liability.

## PERFORMING OTHER JOBS WHERE CORE FUNCTIONS ARE DOWN DURING PANDEMIC/LOCKDOWN

Employers may modify an employee's job description or responsibilities during this period with the approval of the work inspection.

## EMPLOYMENT INSURANCE POLICIES (GOVERNMENT OR PRIVATE) DURING THIS PERIOD AND ACCESSING THESE POLICIES.

None as at the date of this update.

# IMMIGRATION

## CURRENT SITUATION IN THE COUNTRY

The country is under lock-down.

## TRAVELLING TO GABON

No flights are allowed into the country.

## RESTRICTIONS OR CANCELLATION ON VISAS APPLICATIONS/ISSUANCE

The government has suspended the issuance of visas.

## EXPIRATION OF LEGAL STATUS WHILE IN GABON

The government has decided to extend the visa of foreigners already in the country as there is no way to leave considering the lock down.

## LEAVING GABON

Expats can fly out only on specific flights arranged by their diplomatic representatives or embassies.

# TAX

## TAX EXEMPTIONS/RELIEFS DURING THIS PERIOD – EITHER GENERAL OR RELATED TO A PARTICULAR SECTOR

On 03 April 2020, the government announced certain reliefs to combat the crisis. We shall provide an update as soon as details of the reliefs are made available.

## GRACE PERIOD FOR THE FILING OF TAX RETURNS

None has been granted at the moment. However, we expect that extensions may be granted soon.

# CORPORATE

## SUSPENDING OBLIGATIONS UNDER A CONTRACT IN LIGHT OF COVID-19. (CONSIDERING FORCE MAJEURE)

A party may suspend its obligations under the force majeure provision in the contract. This will however depend on the specific force majeure provision in the contract.

## REMEDIES FOR A PARTY'S FAILURE TO PERFORM ITS OBLIGATION UNDER CONTRACT

An aggrieved party may resort to the courts or any dispute resolution mechanism in the contract.

Note that on account of the lockdown, there may be significant delays in accessing the courts and obtaining a decision.

#### **REQUIREMENTS TO REGISTER DOCUMENTS UNDER THE COMPANIES REGISTRY**

The company registry remains in operation. However, with the employees working remotely, there will be a delay in obtaining responses and in the treatment of cases.

#### **EFFECTS OF COVID-19 ON DELAYS TO OBTAIN REGULATORY APPROVALS**

No specific measures have been announced so far and no extensions have been granted yet.

## **GENERAL**

#### **FISCAL MEASURES TOWARD COUNTERING THE ECONOMIC EFFECTS OF THE PANDEMIC**

On 03 April 2020, the government announced certain fiscal measures to combat the crisis. We shall provide an update as soon as details of the measures are made available.

#### **NEW LAWS/REGULATIONS TOWARDS COMBATING THE PANDEMIC**

None as at the date of this update.

#### **EFFECT OF THE PANDEMIC ON THE COUNTRY'S ECONOMY AND ANY RECESSION RISKS**

We do not have any statistics or information on the extent of the effect of the pandemic on Gabon's economy yet.

#### **BANKING RESTRICTIONS**

None as at the date of this update.

#### **BORROWER PROTECTIONS AND MORATORIUM ON LOAN REPAYMENTS**

None as at the date of this update.

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