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APRIL 2020 NEWSLETTER

COVID-19: Small Businesses, Employment Laws, and Survival Support



While the COVID-19 outbreak continues, many businesses will have to be creative in finding ways to sustain profitability, particularly now that we are in National Lockdown.

And as employers they will of course be facing some novel challenges. Complying with all our employment laws will remain as important as ever, and proper planning on how to achieve that whilst simultaneously protecting your business's viability will be key to surviving (and hopefully thriving!) in these exceptional times.

The good news is that a whole raft of support and relief programs, aimed at helping businesses survive the crisis, have been announced. Read on for the details...

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**At Matthews Enslin Inc.
we are ready to assist you with all
your legal issues.**

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Your Neighbour Builds Without Plans - Can You Get a Demolition Order?



“Neighbour problems” are as old as civilization itself, and an all-too-common cause of conflict is construction work. When your neighbour’s new house/extension/outbuilding impinges on your sea view, or steals your light, or invades your privacy, or encroaches on your property, you are going to be upset. And you will want to know what you can do about stopping the offending work as soon as possible.

A recent High Court decision confirms how strong your position will be if you can show that your neighbour has proceeded without the necessary municipal approvals. We discuss the facts of the case (a 16 year long saga over an encroaching garage), and the law behind the Court’s decision to order demolition.

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How to Stop an Ex-Director from Competing With You



Big Catch Fishing Tackle (Pty) Ltd is a marketer and host of fishing and fly fishing tours in both South African and international waters.

After a fall out between the two directors and shareholders (involving hotly-disputed accusations of serious breaches of duty), the one director resigned and set up a rival business.

Big Catch applied to the High Court for an interdict to stop the ex-director from competing with it, and its failure to convince the Court to grant the interdict is a clear warning to companies to take pro-active steps - from Day 1 - to protect themselves from this sort of scenario. Read on for more...

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Beware the “Common Law Marriage” Myth



Anyone in an informal life partnership arrangement should beware the extremely prevalent - and extremely dangerous - myth of the “common law marriage”.

We discuss the risks of relying on this myth with reference to a recent High Court case in which a couple split after a 22 year relationship. The



life partner holding the assets vigorously defended the other partner's claim to a 50% share, and her struggle to prove the existence of a "universal partnership" shows how difficult it can be to exit such a relationship with even the smallest financial benefit. The claimant in this case was fortunate in eventually being awarded a 30% share (better than nothing, but not 50%!).

Fortunately our law offers you a quick and simple solution...

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Website of the Month: COVID-19 - Entrepreneurs and Your Growth Opportunities

"Never let a good crisis go to waste" (Winston Churchill)

The COVID-19 coronavirus crisis will, like all crises, eventually give way to economic and societal recovery.

Even before that inevitable upturn actually sets in, entrepreneurs should remember that **times of great risk and challenge are also times of great opportunity**. So get your team together now and brainstorm what new needs and new niches you can fill. Witness for example the "remote destination" businesses like game lodges now offering safe and luxurious havens for those wanting to self-isolate and to practice social distancing far from the city hotspots. **That's a win-win for everyone – businesses, their employees, their clients, and their suppliers.**

And when a sustained recovery does make its welcome appearance, make sure that you are way ahead of the pack by using this current time of fear and negativity to maximise your planning. What will the recovery look like? How will you take advantage of it? What staff and resources will you need?

Get off to a good start with "Growth opportunities for small business in SONA and the Budget" on the Catalyst Magazine [website](#) which highlights some of the many opportunities still open to businesses big and small –

- The Infrastructure Fund
- The Tourism Equity Fund
- The African Continental Free Trade Area
- Incentive Programmes For Small Businesses.



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