

21 February 2020

RESPONSE TO BUSINESS AND HUMAN RIGHTS RESOURCE CENTER

Dear Mr Manson Gwanyanya,

Thank you for your query regarding allegations published in the Lesotho Times pertaining to a labour dispute between ourselves and employees we dismissed following an unprotected strike.

First and foremost, we must clarify that this is a labour dispute and not a human rights issue. What makes allegations of human rights violations particularly disturbing is that, at MG Health, our people are at the centre of our business and we take a people first approach in everything we do. We are passionate about making a positive impact in every aspect of the community that our business touches.

Please refer to this link to see the positive impact we are making in the lives of the communities where we operate. <https://www.mghealth.com/about/#CSR>

It must also be noted that we are in the process of requesting a right of reply to the article in the Lesotho Times due to the fact that we don't feel we were given adequate time to respond; the allegations made contain numerous untested allegations, factual inaccuracies and does not represent a balanced view of the situation

Furthermore, we can confirm that there is an existing court application by MG Health against Sunday Express a publication under the same publishing house, for publishing inaccurate, defamatory statements. As I am sure you are aware, legal action is a last resort when it comes to the media.

We must therefore thank you for the opportunity to clarify and comprehensively address the allegations.

In order to ensure clarity, we will address the two issues separately:

1. The illegal strike
2. Allegations thereafter regarding alleged inhumane working conditions reported in the Lesotho Times.

Court Case Dismissed Staff

We can confirm that we dismissed 32 staff members following an unprotected strike action. This matter is currently before the labour courts. We have utmost faith in the respected judicial practices of Lesotho and are confident that the courts will come to a just and fair outcome for all parties involved. As MG Health we respect and will make use of the established judicial processes of the country, and we respect the rights of employees to make use of those same processes if they believe they have been unjustly treated.

In addition MG Health worked with the Department of Labour from the beginning of our operations in Lesotho. We invited representatives to meet with employees as independent labour representatives to assist employees, especially those who had never worked in a formal environment before, to understand labour laws and requirements of the Employer.

Addressing allegations as contained in the Lesotho Times article:

The extract of the article that deals with the allegations in the Lesotho Times reads as follows:

*“Among other grievances, the workers demanded to be **paid for the hour they take for bathing before commencing work.***

*The workers also complained that **they were often subjected to cold showers without any privacy as the security guards would always watch over them while they showered. They workers claim the showering appeared to be forced on the unskilled workers and their skilled colleagues were allowed to enter the company premises freely without taking a bath.***

*The workers were also **not happy with being supplied with underwear by their employer during working hours. They said this could have health implications on them as the underwear was collectively washed by the company.***

*They also protested against the **regulations requiring that they surrender their medical drugs upon arrival at work, saying this gave away their health status which ought to be a confidential issue.***”

Showering Before Commencing Work:

For the purposes of context, it is important to understand that MG Health is a pharmaceutical grade facility that relies on strict accreditation processes to ensure that our products are fit to be used in a medical environment. Our products are used by people who are in poor health and in some instances have compromised immune systems, therefore we cannot afford an instance where any of our products are exposed to outside contaminants.

For this reason, all employees who are in contact with products as part of our standard operating procedures are required to shower before entering the work premises, this is not unusual in the pharmaceutical industry.

GMP - Good Manufacturing Practice

Showering and wearing clean uncontaminated clothing is a requirement of a GMP pharmaceutical facility for anyone working in specific zones. GMP rules and regulations are internationally recognised and in order to receive our accreditation we need to follow them to the letter.

See attached GMP Code relating to anyone entering the premises.

As MG Health we provide shower facilities and clean washed clothing that employees are expected to wear while they are working. Without these procedures MG Health will not attain its pharmaceutical accreditation which will result in the facility closing and over 300 workers no longer being employed.

Cold Showers:

We started with a small number of employees and at one point went on a massive recruitment drive, this did have an impact on the showers as the geyser used ran out of hot water before everyone was able to shower. Since this was raised with management, we have upgraded the showers put in additional geysers. No staff were ever forced to have cold showers and were advised to pass through if water was not hot enough until the geyser system was upgraded.

Security Guards and Privacy:

It must be made clear that no security is permitted to watch employees taking a shower. MG Health take these complaints very seriously. When first made aware by staff that there was concern about guards viewing them in the ablution area, the company undertook a full investigation and no guards were found to have any incriminating photographic evidence of staff showering at all and it was confirmed that security cannot view inside shower cubicles.

Since then Security have been issued with radios and no longer have cell phones on them for communication.

Security do not stand in the shower cubicle area while employees are making use of the shower facilities unless there is an emergency that requires attending to.

We are embarking on a training programme with our security officials on matters related to privacy and to reinforce our Standard Operating Procedures.

We have already upgraded our shower block facility addressing employees concerns to ensure that there is more privacy in the individual shower cubicles.

Please see attached pictures of our shower facilities:

Unskilled vs Skilled Employees showering:

As part of MG Health's hygiene policy every employee that is in contact with the product (including Management) must take a shower before commencing with work.

Being Supplied with Underwear:

As already explained, we do provide a full uniform for employees, this includes undergarments. We ensure that these are clean and meets the highest hygiene standards as would be suitable in a pharmaceutical graded facility. Currently all undergarments are personalised with employee numbers and the discomfort stems from these being washed along with other underwear in the same washing machine. While we understand that culturally it is frowned upon to have someone else wash your underwear as it is deemed private. This not personal, but rather company property and company hygiene standards that are required for our operations.

Surrendering Medicines:

Security are instructed to conduct searches of all employees upon arrival to ensure that no contaminants are brought into the facility.

Medication has always been handed over in a brown envelope with an employment number, the employee will then go to the safety office at the hour the medication is required.

Any item brought from home, even food items, bring risk of contamination. Hence employees are provided with lunch,

ADDITIONAL CONCERNS NOT IN THE LESOTHO TIMES BUT IN ANOTHER ARTICLE REPORTING ON THE MATTER

Feminine Hygiene:

Female hygiene products are provided free of charge to all female staff at the MG Health facility. We have only ever run out of sanitary ware once for a few hours. As soon as the problem was reported in the early hours of the morning more stock was purchased and replaced later that same morning. This has not occurred previously or since that day and we are surprised to hear of this complaint in the media.

Drinking Water:

The drinking water comes from a fountain and is fully tested and safe to drink. Our drinking water has never been contaminated or undrinkable. We have two water sources on site, our drinking water is sourced directly from the fountain and we also have another filter system (but this is not used for drinking or eating etc.).

The only time there has been a water issue in the greater Marakabei area was when water in the Village and Mohale was found to be contaminated.

MG Health assisted the community by testing multiple sources of water and investigations eventually concluded that there was contamination in the village reservoirs. MG Health paid for these issues to be fixed to ensure the village could have access to clean water again. We have never had contaminated water on site.

People First

As a company that started as, and continues to operate as, a people first organisation, we have continued to grow, support, educate and employ hundreds of Basotho people (with a view to increasing staff ten-fold over the next few years). It is very difficult not to respond fully and comprehensively to ensure that our reputation is not damaged, not to mention possibly threaten the livelihoods of all who work at MG Health. We would like to highlight here that MG Health takes this issue and all accusations very seriously.

We strongly deny the accusation of inhumane treatment. This is a labour dispute matter that is currently sitting before the country's labour courts, we would respectfully request that before our company's reputation is tarnished to the point where it could be associated with human-rights violations that you consider holding off on publishing these allegations until they are fully tested through the finalisation of the court process.

Kind regards



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