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DEPARTMENT OF ECONOMIC PLANNING AND STATISTICS
MINISTRY OF FINANCE AND ECONOMY

COVID-19 Frequently Asked Questions for Consumers & Businesses

2021 Edition



COVID-19 Frequently Asked Questions (FAQ) For Consumers and Businesses

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1. INTRODUCTION

This FAQ outlines consumer rights and business obligations and is prepared within the scope of the Consumer Protection (Fair Trading) Order, 2011 with the objective to provide some general guidance in addressing issues raised by consumers and businesses with regards to disruption of business services during COVID-19.

The Department of Economic Planning and Statistics (DEPS) would like to advise public particularly consumers to report any issues regarding unethical business practices that affecting consumers via **Consumer Hotline under Talian Darussalam 123** and the **PenggunaBijak mobile app**.

Businesses and consumers may also reach DEPS via email at dcca@jpes.gov.bn for general inquiries, and consumercomplaint@jpes.gov.bn / aduanpengguna@jpes.gov.bn to lodge a complaint.

2. INTERPRETATION

2.1. What does consumer mean under the Consumer Protection (Fair Trading) Order 2011?

Consumer means an individual who receives or has the right to receive goods or services from a supplier; or has a legal obligation to pay a supplier for goods or services that have been or are to be supplied to another individual.

2.2. What is meant by a supplier?

A supplier means a person who in the course of the person's business –

- (a) provides goods or services to consumers;
- (b) manufactures, assembles or produces goods;
- (c) promotes the use or purchase of goods or services; or
- (d) receives or entitled to receive money or other consideration as a result of the provision of goods or services to consumers,

And includes any employee or agent of the person.

2.3. What is the definition of an unfair practice?

It is an unfair practice for a supplier, in relation to a consumer transaction:

- (a) to do or say anything, or omit to do or say anything, if as a result a consumer might reasonably be deceived or misled such as what the consumer is entitled to under their terms and conditions of a transaction;
- (b) to make a false claim regarding products or services such as falsely claiming a product to be effective to prevent virus infection; and
- (c) to take advantage of a consumer if the supplier knows or ought reasonably to know that the consumer is not in a position to protect his own interests; or is not reasonably able to understand the character, nature, language or effect of the transaction or any matter related to the transaction. Such act as only informing consumers that item is non-refundable in the receipt after payment is made.

3. PRICE MONITORING ACTIVITIES

3.1. Does the government monitor any price hike during COVID-19?

The DEPS monitors prices of certain essential items at the retail level, including essential food, face masks and hand sanitisers which are essential to the public in order to protect consumers and prevent any unfair profiteering conducts.

3.2. What are the goods being monitored by DEPS?

The goods currently being monitored are face masks, hand sanitisers, cooking oil, rice, powdered milk, chicken, beef, eggs and onions. This list may change according to the situation.

3.3. Can businesses increase prices of products that are in high demand due to COVID-19?

It is fairly understood that businesses will set profit margin after taking into account factors such as production costs or cost of imports and related operating costs in conducting their businesses.

However, if the price is deemed excessively or unreasonably high, DEPS will request the business owner to provide further clarification and cost information to justify the price increase. Misleading claims by businesses about the reason for price increases will go against the Consumer Protection (Fair Trading) Order, 2011.

3.4. Where can consumers find price information of certain monitored essential products including their availability?

Price information including availability of goods at the retail level can be obtained from DEPS website (www.deps.gov.bn), PenggunaBijak app and social media.

3.5. What are the benefits that can be derived from using PenggunaBijak app?

Consumers can compare prices and choices of goods available in the market to make informed purchase decisions. Retail stores listed in the app are those with stock available in their respective premises, on the date the list is uploaded in PenggunaBijak. This app also provides other features such as consumer complaint mechanism to ease consumer to obtain information.

3.6. Does government monitor price of goods sold by online sellers?

When monitoring the price of essential goods, DEPS monitors them at retail level. DEPS also gathers information on stock level from the importers and suppliers during this crucial time. In this regard, goods sold by online sellers are currently not under DEPS's purview.

3.7. What advice would DEPS give to consumers when dealing with online business?

DEPS would like to remind public on the potential risks when entering into online transactions such as bogus platforms. Consumers are advised to be extra cautious and exercise due diligence when engaging in online business transaction. It is always more prudent for consumers to buy from trusted sources and check reviews, compare prices, keep proof of purchase in hand and do not deal with sellers if in doubt.

4. CANCELLATION OF BOOKING/TRANSACTION

Gym memberships and training programmes such as Zumba classes, aerobic, etc.

4.1. Do I have to continue making regular payments to my gym which has temporarily closed due to the COVID-19 pandemic?

Consumers should not continue paying for goods or services which are temporarily suspended and business should also not demand any payments from their customers when there are no services rendered. Both consumers and business owner are advised to discuss with each other to find a mutually agreeable alternative arrangement wherever possible.

4.2. What if payments have already been made?

If payments have been made, you should contact the business to have the payments refunded or agree on an alternative arrangement, such as extending membership to make up for the closure period.

4.3. I signed up for a training programme such as the Zumba classes which was cancelled due to COVID-19. Am I entitled to a refund?

You are advised to check first the terms and conditions when you signed up for the programmes. If you had a right to a refund under these terms and conditions at the time you signed up, businesses are not permitted to change the terms at a later time to deny you a refund.

Normally, if the training programme was cancelled by the organiser, you should be entitled to a refund or receive other compensation such as a credit voucher or a voucher. You should contact the service provider to make the request.

4.4. What advice would DEPS give to businesses regarding refund?

DEPS encourages businesses to work with their customers to find a mutually agreeable alternative arrangement, such as providing partial refund, a credit note or voucher, or rescheduling to supply the services at a later date where this is possible.

Cancellations of functions (such as wedding events, gatherings, etc.) and booking of venues / other related services.

4.5. Due to COVID 19, I have to cancel the booking on the venue for my gathering event. Am I entitled to a refund of my deposit?

First step is to check the terms and conditions of your booking. These may entitle you to a refund or a partial refund of your deposit. You should contact the service provider directly to request a refund or other remedy, such as a credit voucher to postpone your gathering event to a later date. Businesses are not permitted to change the terms at a later time to deny a refund.

If the terms and conditions do not state terms on refunds, you should negotiate with the venue directly to discuss possible remedies, including a refund or a credit voucher. In this circumstance, service providers and consumers are advised to be considerate of each other's situation to reach a compromise that benefits both parties.

4.6. My wedding has been cancelled or reduced in size. Am I entitled to a refund of the deposit I've paid separately to other vendors for products or services I no longer need, such as catering, my florist, photographer, live band, car hire company, etc.?

You should first approach the provider of each service to see if they are prepared to offer a refund or other remedy, such as a credit voucher. Whether you are entitled to refund of your deposit will depend on the terms and conditions of your booking with each vendor.

All businesses are advised to treat customers fairly in these exceptional circumstances, to build goodwill and loyalty with their customers.

Customers are also encouraged to be patient and understanding as businesses are dealing with this unprecedented challenging time. All parties are to play their roles in maintaining a healthy marketplace during this challenging time.

Cancellations of classes such as music, tuition, and driving classes.

4.7. My music class was cancelled following COVID-19. Am I eligible for a refund of the fees which I have paid for in advance?

First step is to check the terms and conditions of your study, whether you are entitled to a full or a partial refund of your fees. You should contact the owner of the music class directly to request for a refund or other remedy, such as rescheduling the class to a later date. Businesses are not permitted to change the terms and conditions at a later time to deny a refund.

If the terms and conditions do not state terms on refunds, you should negotiate with the owner of the music class to discuss possible remedies, including a refund or a credit voucher. In this circumstance, both you and the

owner of the music class are advised to be considerate of each other's situation to reach a compromise that benefits both parties.

Cancellation of services or scheduled maintenance such as cleaning services, swimming pool maintenance, landscaping, etc.

- 4.8. I have made full payment for the pool maintenance service. However, the service was suspended due to COVID-19. Am I entitled to a refund of the payment that I have made?**

You must first refer to the terms and conditions of the pool maintenance service when payment for the subscription of the service was first made, whether you are entitled to claim a full or a partial refund. You are advised to contact the service provider directly to request for a refund. Service providers are not permitted to change the terms and conditions at a later time to deny a refund.

If the terms and conditions do not state the terms on refund, you should negotiate with the service provider to discuss possible remedies, such as postponing the provision of services to a date on which the services are allowed to be performed. In this circumstance, both you and the service provider are advised to be considerate of each other's situation to reach a compromise that benefits both parties.

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