



Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 12 May 2020

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Covid-19 related guidelines and regulations: <https://www.gov.za/coronavirus/guidelines>
Covid-19 Directives and notices relating to legal practitioners: <http://www.derebus.org.za/directives-covid-19/> /
<https://lpc.org.za/>

Lexinfo Employment Law Alert



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Lexinfo CC : Library and Legal and Information Consultants
Tel 082 690 8890 | 084 559 2847 | Email: alert@lexinfo.co.za
PO Box 36216, Glosderry, 7702 | <http://www.lexinfo.co.za>

CONFIRMED CASES

Media Release

Department of Employment and Labour. Employment and Labour confirms positive case of Coronavirus COVID-19 on employee. 11 May 2020.

“A labour centre where one of the employees of the Department of Employment and Labour tested positive for COVID-19 has been closed. This is to allow for all the workers who may have been in contact with the affected employee to be tested, monitored and for the offices to be deep cleaned and disinfected. The said employee did not interact with the members of the public.”

<https://www.gov.za/speeches/employment-and-labour-confirms-positive-case-coronavirus-covid-19-employee-11-may-2020-0000>

Department of Health. Minister Zweli Mkhize confirms total of 10 652 cases of Coronavirus COVID-19 11 May 2020. 11 May 2020.

“A total of 356 067 COVID-19 tests has been conducted, of which 14 731 are new tests since yesterday's report.... There are 637 new confirmed COVID-19 cases, with the total number of confirmed cases at 10 652....

Total Deaths: 206

Total Recoveries: 4 357”

<https://www.gov.za/speeches/minister-zweli-mkhize-confirms-total-10-652-confirmed-cases-coronavirus-covid-19-11-may>

Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19 on 11 May. 11 May 2020.

“As of 1pm on 11 May, the Western Cape has 3911 active cases of Covid-19, with a total of 5813 confirmed cases and 1796 recoveries....Western Cape cabinet approves Whole of Government Covid-19 hotspot strategy for the City of Cape Town:

The Western Cape Cabinet today approved the Whole of Government Covid-19 Hotspot Strategy for the City of Cape Town. This plan sets out how the Western Cape Government will utilise and coordinate its various government departments together with the City of Cape Town in one unified response to Covid-19 hotspots within the City of Cape Town. The Western Cape understands that a blunt, one-size-fit-all approach for the entire province, when some regions have few cases and others have high transmission, is neither sustainable nor effective. We need to be more flexible and innovative.

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-11-may-11-may-2020-0000>

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COURTS

Directives

Gauteng Division of the High Court, Office of the Judge President. In Re: Court Operations in the Pretoria and Johannesburg High Courts during the Extended Covid-19 National Lockdown and for the Remainder of Term 2/2020. 11 May 2020. (Consolidated Directive)

https://www.judiciary.org.za/images/Directives/Directives_-_April_2020/High_Court_of_South_Africa/Gauteng_Division/Judge_Presidents_Consolidated_Directive_In_Re_-_Court_Operations_in_the_Pretoria_and_Johannesburg_High_Courts_During_the_Extended_COVID-19_National_Lockdown_and_for_the_Remainder_of_Term_2-2020.pdf

Gauteng Division of the High Court, Office of the Judge President. In re: Application of the Covid-19 Directives issued in the High Courts of the Gauteng Division. 11 May 2020 (Revised Directive).

https://www.judiciary.org.za/images/Directives/Directives_-_April_2020/High_Court_of_South_Africa/Gauteng_Division/Revised_Memorandum_-_Application_of_the_Covid-19_Directives_Issued_in_the_High_Courts_of_the_Gauteng_Division.pdf

Kwazulu-Natal. Regional Court. Court Directives regarding the Management of Cases during the current National State of Disaster Lockdown Period: Regional Division Kwazulu Natal. 11 May 2020.

https://www.judiciary.org.za/images/Directives/Directives_-_April_2020/Regional_Court/Kwazulu-Natal/Court_Directives_Regarding_the_Management_of_Cases_During_the_Current_National_State_of_Disaster_Lockdown_Period_-_Regional_Division_Kwazulu-Natal.pdf

Note

Gauteng Division of the High Court, Office of the Judge President. Note: Re: Important Contact Details in terms of the Judge President's Consolidated Directive (Issued-11 May 2020) in Light of the Covid-19 National Lockdown. 11 May 2020.

https://www.judiciary.org.za/images/Directives/Directives_-_April_2020/High_Court_of_South_Africa/Gauteng_Division/Important_Contact_Details_in_Terms_of_the_Judge_Presidents_Consolidated_Directive_-_Issued_11_May_2020_-_In_Light_of_the_COVID-19_National_Lockdown.pdf

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CRIMINAL LAW AND PROCEDURE

Media Release

Western Cape Community Safety. MEC Albert Fritz requests investigation into Western Cape Police inefficiencies during Coronavirus COVID-19 lockdown. 11 May 2020.

“The Minister of Community Safety, Albert Fritz, has written to the Western Cape Police Ombudsman, Mr JJ Brand, requesting that he investigate allegations of police inefficiencies at Muizenberg and Steenberg SAPS stations during the lockdown. This request has been made in terms of Section 17(2) of the Western Cape Community Safety Act (Act 3 of 2013) which states that “If a member of the Provincial Parliament refers a matter contemplated in subsection (1) to the Ombudsman, he or she must conduct an investigation into that matter.” Amongst the incidents of police inefficiencies include the alleged threatening of an elderly woman, a pregnant woman and several Muizenberg residents at Muizenberg SAPS. An officer is quoted saying, “I hope you get the virus.”

<https://www.gov.za/speeches/police-inefficiencies-11-may-2020-0000>

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EDUCATION

Circular

KZN Department of Education. KZN Circular no. 28 of 2020: Postponement of the return of workforce and re-opening of schools. 8 May 2020

<http://www.kzneducation.gov.za/Portals/0/Circulars/KZN/2020/KZN%20Circular%20No.%2028%20of%202020%20-%20%20COVID%20-%20Postponement%20of%20the%20Return%20of%20Workforce.pdf>

Media Comment

Mthethwa, Ayanda. More delays expected in reopening schools as provinces postpone staff return dates. 2020 May 11 Daily Maverick

‘All provincial education departments have postponed the return of school management teams to work amid safety-readiness concerns.’

<https://www.dailymaverick.co.za/article/2020-05-11-more-delays-expected-in-reopening-schools-as-provinces-postpone-staff-return-dates/>

Media Statement

Department of Basic Education. Minister Angie Motshekga consults on sector recovery plans ahead of the reopening of schools during Coronavirus COVID-19 alert level 4. 11 May 2020.

“The Minister of Basic Education Mrs Angie Motshekga has today held a series of scheduled meetings with stakeholders in the basic education sector. The purpose of the meetings were [sic] to consider the state of readiness for the reopening of schools... These consultative sessions happened ahead of the Minister’s return to the National Coronavirus Command Council set to take place on Tuesday, May 12. Cabinet is also scheduled to sit on Wednesday where it is expected that the Recovery Plan of the Education Sector will also be discussed.

On Thursday, the Minister will brief the media on the preparations towards the reopening of schools. At the media briefing the Minister will provide details that include the final dates and detailed plans for the phased approach to the possible reopening of schools.”

<https://www.gov.za/speeches/minister-angie-motshekga-consults-sector-recovery-plans-ahead-reopening-schools-during>

Report

The plight of the ECD workforce: an urgent call for relief in the wake of Covid-19. April 2020.

“A new report, *The Plight of the ECD Workforce*, finds that 68% of ECD operators (including ECD centres, playgroups, day mothers and other early learning programmes) are worried that they will not be able to reopen after the lockdown because 99% reported that caregivers have stopped paying fees after the nationwide closures on 18th March. This is because these programmes primarily serve poor and vulnerable communities, whose household incomes have been severely constrained by the crisis. As a result, 83% of operators have not be able to pay full staff salaries and 96% reported that their income was not enough to cover their operating costs.

The report was issued by BRIDGE, Ilifa Labantwana, National ECD Alliance (NECDA), the Nelson Mandela Foundation, Smartstart and the South African Congress for Early Childhood Development (SACECD). The report is based on a survey of 3,952 ECD operators conducted in mid-April 2020.”

Report: <https://www.nelsonmandela.org/uploads/files/Final-report-The-plight-of-the-ECD-workforce.pdf>

Media Statement: Nelson Mandela Foundation. An urgent call to support the Early Childhood Development (ECD) sector, 23 April 2020.

<https://www.nelsonmandela.org/news/entry/an-urgent-call-to-support-the-early-childhood-development-eecd-sector>

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EMPLOYMENT LAW

Media Releases

CCMA Directive: Access to the CCMA during the Covid-19 lockdown. 09 May 2020.

Directives will apply with effect from 11 May 2020 until CCMA operations may be normalized and the restrictions set out in the Regulations issued in terms of section 27(2) of the Disaster Management Act 57 of 2002 provide otherwise.
<https://www.ccma.org.za/Media/ArticleID/402/CCMA-DIRECTIVE-ACCESS-TO-THE-CCMA-DURING-THE-COVID-19-LOCKDOWN>

Department of Employment and Labour. Employment and Labour confirms positive case of Coronavirus COVID-19 on employee. 11 May 2020.

“A labour centre where one of the employees of the Department of Employment and Labour tested positive for COVID-19 has been closed. This is to allow for all the workers who may have been in contact with the affected employee to be tested, monitored and for the offices to be deep cleaned and disinfected. The said employee did not interact with the members of the public.”

<https://www.gov.za/speeches/employment-and-labour-confirms-positive-case-coronavirus-covid-19-employee-11-may-2020-0000>

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FINANCIAL LAW

Notice

Financial Sector Conduct Authority. FSCA CIS Notice 2 of 2020. Collective Investment Schemes Control Act, 2002. Exemption of managers of collective investment schemes from certain requirements relating to the administration of portfolios as required by the Act. 8 May 2020.

“A manager is hereby, subject to the conditions set out in paragraph 4, exempted from complying with the requirements contained in its deed in accordance with items 1(c), 1(e) and 2(a) of Schedule 1 relating to the creation, issue, sale and repurchase of participatory interests in a portfolio. Pursuant to the exemption, a manager may temporarily suspend the creation, issue, sale and repurchase of participatory interests in a portfolio, if due to the exceptional circumstances referred to in paragraph 2(1) of this Notice it is in the interest of investors in that portfolio.”

<https://www.fsca.co.za/Notices/FSCA%20CIS%20NOTICE%20%20OF%202020.pdf>

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INSURANCE

Notice

Financial Sector Conduct Authority. Insurance Notice 9 of 2020. Financial Sector Regulation Act 9 of 2017. Exemption of Old Mutual Life Assurance Company (South Africa) Limited from Regulations 3.5 of the Regulations under the Long-term Insurance Act 52 of 1998. 11 May 2020.

“exemption period” means the period from 1 April 2020 to 30 June 2020;... OMLACSA is hereby exempted from Regulations 3.5 in respect of adjustment and refund of commission on a cancelled policy.....“

<https://www.fsca.co.za/Notices/FSCA%20INS%20Notice%209%20of%202020.pdf>

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MEDICAL LAW

Media Statement

SA Government News Agency. Netcare's St Augustine's, Kingsway Hospitals reopen.

2020 May 11 SA News

“The Portfolio Committee on Health has welcomed the reopening of Netcare St Augustine’s and Netcare Kingsway private hospitals in KwaZulu-Natal. The two hospitals were closed last month when four people died at St Augustine’s Hospital in Durban and 47 staff members tested positive due to COVID-19 pandemic. Kingsway Hospital in Amanzimtoti was also closed after 10 staff members tested positive for COVID-19 after exposure at the hospital was traced to a patient.”

<https://www.sanews.gov.za/south-africa/netcares-st-augustines-kingsway-hospitals-reopen>

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MINING LAW

Government Gazette

Mine Health and Safety Act 29 of 1996

Mine Health & Safety Inspectorate: Guideline for the Compilation of a Mandatory Code of Practice for the Mitigation and Management of COVID-19 Outbreak. Draft Guidelines published for public comment by 14 May 2020.

GenN262 GG 43304 p3 11May2020

http://www.gpwonline.co.za/Gazettes/Gazettes/43304_11-5_MineralResources.pdf

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PUBLIC HEALTH

Media Statement

SA Government News Agency. COVID-19 likely to be around for another year.

2020 May 11 SA News

“While government plans to steadily reduce the COVID-19 alert level by stabilising infection and anticipating the inevitable increase in cases, President Ramaphosa has warned the virus might be around for another year. South Africa moved to Level 4 of the national lockdown on 1 May. The lockdown is aimed at curbing the spread of the virus. The move to a lower level of the lockdown was implemented to gradually allow economic activity to resume. “But it will not be life as we knew it before,” said President Cyril Ramaphosa on Monday. In his weekly newsletter, the President said while much remains unknown about the pandemic, experts now agree that the virus will remain a threat to global public health for some time.”

<https://www.sanews.gov.za/south-africa/covid-19-likely-be-around-another-year>

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SOCIAL SECURITY

Media Releases

Department of Social Development. Minister Lindiwe Zulu: Social Development response to Coronavirus Covid 19 Level 4 Risk Adjusted Approach. 11 May 2020.

“With regards to regulations on the extension of lapsed disability grants - With regards to the Amendment of regulation relating to the movement of children - Amendment of directions on social development facilities and services – With regards to the recruitment of social work professionals - The allocation of the additional social workers per province is as follows:

- Eastern Cape: 171
- Free State: 92
- Gauteng: 676
- KwaZulu-Natal: 266
- Limpopo: 116
- Mpumalanga: 128
- Northern Cape: 33
- North West: 81
- Western Cape: 246

With regards to the National Development Agency - With regards to the food and nutrition programme - Special COVID19 social relief of distress grant.”

<https://www.gov.za/speeches/statement-minister-lindiwe-zulu-regards-social-development-response-covid19-level-4-risk>

Department of Social Development. Minister Lindiwe Zulu: Handover of menstrual and hygiene products as part of Coronavirus Covid-19 social relief measures. 11 May 2020.

“The Department of Social Development is grateful to be part of collaboration with the Department of Women, Youth and Persons with Disabilities (DWYPD) in partnership with UNFPA, Water AID and other Social Partners. When this collaboration was started, the Department of Social Development was mandated to identify vulnerable women and girls who need to access menstrual health products. It made sense for us to start by identifying these in our facilities and shelters. Together with provincial departments of social development, we identified the beneficiary population who are in need of the products and who will benefit from them. The Department of Social Development is taking advantage of our tried-and-tested food parcel distribution mechanism during the lockdown period to access the beneficiaries in all provinces. It is through this mechanism that these sanitary products and services will reach our beneficiaries.”

<https://www.gov.za/speeches/minister-lindiwe-zulu-handover-menstrual-and-hygiene-products-part-coronavirus-covid-19>

Department of Women, Youth and Persons with Disabilities. Minister Maite Nkoana-Mashabane hands over menstrual and hygiene products to Minister Lindiwe Zulu as part of Coronavirus Covid-19 social relief measures, 11 May. 11 May 2020.

“As part of COVID-19 social relief measures, the Minister in the Presidency for Women, Youth and Persons with Disabilities, Maite Nkoana-Mashabane, together with representatives from Water Aid Southern Africa, United Nations in South Africa, Footprints Foundation and Langelihle Youth Foundation will hand over menstrual and hygiene products to the Minister of Social Development, Ms Lindiwe Zulu for the benefit of women and girls in shelters such as child & youth care centres (CYCC) shelters for victims of crime and gender-based violence, facilities for persons with disabilities, shelters for the homeless and Thuthuzela Care Centres as well as girls in communities who are part of some of the programmes implemented by NGOs.”

<https://www.gov.za/speeches/government-receive-menstrual-and-hygiene-products-donated-part-covid-19-social-relief>

South African Social Security Agency. SASSA on state of readiness for Coronavirus COVID-19 distress grant applications. 11 May 2020.

“Systems for the special COVID-19 Social Relief of Distress grant announced by President Ramaphosa recently have passed the final stage of development. The social development portfolio comprising the Department of Social Development (DSD), National Development Agency (NDA) and SASSA is pleased to announce its readiness for implementation. Minister Zulu will launch the opening of the application process on Monday, 11 May 2020. The criteria for application is set to be gazetted later today in order to enable implementation and allow the millions of deserving members of the public to access the grant...The WhatsApp and related electronic application options will go live on Monday and this will be demonstrated during a media launch to be addressed by Minister Zulu.”

<https://www.gov.za/speeches/distress-grant-applications-11-may-2020-0000>

Media Statement

SA Government News Agency. Social relief distress grant applications open.

2020 May 11 SA News

“The South African Social Security Agency (SASSA) will today open the process for applications of the R350 Special COVID-19 Social Relief of Distress Grant for unemployed people. The amount will be paid to qualifying applications from May – October 2020. “With regards to the Special COVID-19 Social Relief of Distress Grant, we have gone back, re-looked at our systems and have strengthened the modus operandi. We believe we are ready to open the process today,” SASSA Chief Executive Officer Busisiwe Memela-Khambula said. Speaking at a virtual media briefing on Monday, Memela-Khambula said technology will be used to deliver services.”

<https://www.sanews.gov.za/south-africa/social-relief-distress-grant-applications-open>

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