



Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 13 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



This newsletter provides bibliographical information published in resources such as the government gazette, judgments, journal articles and new publications on employment law issues. The Employment Law Alert is published weekly in .pdf format. The newsletter is distributed to subscribers on a Monday morning. The monthly subscription fee for a single user is only **R99** including VAT. Contact us on alert@lexinfo.co.za for more information or a free sample copy.

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CONFIRMED CASES

Media Releases

Department of Health. Minister Zweli Mkhize confirms total of 11 350 cases of Coronavirus COVID-19. 12 May 2020.

“As of today, the total number of confirmed COVID-19 cases in South Africa is 11 350.

- Eastern Cape: 1504;
- Free State: 135;
- Gauteng: 2014;
- KwaZulu-Natal: 1394;
- Limpopo: 54;
- Mpumalanga: 63;
- North West: 51;
- Northern Cape: 30;
- Western Cape: 6105;
- Unknown: 0; and
- Total: 11350.

A total of 369 697 tests have been conducted to date with 13 630 tests done in the past 24 hours.”

<https://www.gov.za/speeches/parliament-calls-more-visibility-within-housing-sector-12-may-2020-0000>

North West Health. North West Health on Coronavirus COVID-19 confirmed cases in North West Province as on 11 May. 12 May 2020.

“The total number of COVID-19 confirmed cases in the North West Province as at Monday, 11 May 2020 is 50.

...We are saddened to report that on Monday, 11 May 2020, the Province reported its first COVID-19 related death. The deceased is a 52-year old male from Rustenburg who presented with severe respiratory distress, hypertension, diabetes and chronic obstructive pulmonary disease.”

<https://www.gov.za/speeches/north-west-health-coronavirus-covid-19-confirmed-cases-north-west-province-11-may-12-may>

SA Government News Agency. Concern at increasing COVID-19 cases.

2020 May 12 SA News

“The Department of Correctional Services (DCS) has noted a resurgence of positive cases in East London, where 98 inmates tested positive for COVID-19. “Additionally, six officials and three inmates were confirmed to be positive in the Western Cape, whilst Kimberly registered one case of an official. As a result, the total number of positive cases is now at 321,” said DCS spokesperson Singabakho Nxumalo. In a bid to curb the further spread of the virus, the department appointed a medical advisory panel and an additional 393 nursing personnel, to avail immediate expertise in the management of infections, prevention and control measures.”

<https://www.sanews.gov.za/south-africa/concern-increasing-covid-19-cases>

Western Cape Office of the Premier. Premier Alan Winde update on Coronavirus COVID-19 on 12 May. 12 May 2020.

“As of 1pm on 12 May, the Western Cape has 4134 active cases of Covid-19, with a total of 6194 confirmed cases and 1950 recoveries.... The Western Cape has recorded an additional four COVID-19 deaths-bringing the total number of deaths from the virus in the province to 110...”

I also had the opportunity to visit Dutoit Agri, and the Kalos farm with Agriculture Minister, Ivan Meyer. At the Kalos Farm, the owners have built their own isolation facility to prepare, should any of their staff become infected. I was pleased to hear that other farmers in the region are also taking similar steps.”

<https://www.gov.za/speeches/premier-alan-winde-update-coronavirus-covid-19-12-may-12-may-2020-0000>

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CORRECTIONAL SERVICES

Media Statement

SA Government News Agency. Concern at increasing COVID-19 cases.

2020 May 12 SA News

“The Department of Correctional Services (DCS) has noted a resurgence of positive cases in East London, where 98 inmates tested positive for COVID-19. “Additionally, six officials and three inmates were confirmed to be positive in the Western Cape, whilst Kimberly registered one case of an official. As a result, the total number of positive cases is now at 321,” said DCS spokesperson Singabakho Nxumalo. In a bid to curb the further spread of the virus, the department appointed a medical advisory panel and an additional 393 nursing personnel, to avail immediate expertise in the management of infections, prevention and control measures.”

<https://www.sanews.gov.za/south-africa/concern-increasing-covid-19-cases>

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CRIMINAL LAW AND PROCEDURE

Admission of Guilt Fines

Disaster Management Act 57 of 2002

Determination of Admission of Guilt Fines in respect of offences committed in terms of the Disaster Management Act Regulations, 2020:

Eastern Cape:

- District of Port Elizabeth and Eastern Cape Region 1. 8 May 2020.
https://www.judiciary.org.za/images/Determinations/Eastern-Cape/Eastern_Cape_Region_1_-_Determination_of_Admission_of_Guilt_Fines_-_in_terms_of_Section_27_of_the_Disaster_Management_Act_57_of_2002.pdf

Western Cape:

- Mossel Bay. 30 April 2020.
https://www.judiciary.org.za/images/Determinations/Western-Cape/Western_Cape_Region_-_Admission_of_Guilt_i_t_o_to_the_Disaster_Management_Act_-_Regulations_2002_-_1.pdf
- Wynberg. 30 April 2020.
https://www.judiciary.org.za/images/Determinations/Western-Cape/Western_Cape_Region_-_Admission_of_Guilt_i_t_o_to_the_Disaster_Management_Act_-_Regulations_2002.pdf

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EDUCATION

Media Comment

Banton, Vanessa. Back to school: Only Gauteng and Western Cape ready to reopen – report.

News24 May 12

'Education MECs representing Gauteng and Western Cape are the only ones who have indicated that they are ready to reopen schools.'

<https://www.news24.com/SouthAfrica/News/back-to-school-only-gauteng-and-western-cape-ready-to-reopen-report-20200512>

Media Release

Department of Basic Education. Basic Education Minister in consultation process on sector recovery plans ahead of the reopening of schools. 11 May 2020.

<https://kfmulaudzi.files.wordpress.com/2020/05/basic-education-minister-in-consultation-process-on-sector-recovery-plans-ahead-of-the-reopening-of-schools.pdf>

Media Statement

SA Government News Agency. Basic Education to give an update on school reopening.

2020 May 12 SA News

“Basic Education Minister Angie Motshekga will this week announce the department’s preparations with regards to the reopening of schools. At Thursday’s media briefing, the Minister is expected to provide details that include the final dates and detailed plans, for the phased approach to the possible reopening of schools. The scheduled briefing follows a series of meetings the Minister held with stakeholders in the basic education sector on Monday. The purpose of the meetings were to consider the state of readiness for the reopening of schools.”

<https://www.sanews.gov.za/south-africa/basic-education-give-update-school-reopening>

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EMPLOYMENT LAW

Media Release

Department of Labour and Employment. Compliance by organisations with Coronavirus COVID-19 regulations. 12 May 2020.

“The Department of Employment and Labour’s Inspection and Enforcement Service (IES) unit finds two of every five inspected organisations not complying with the Occupational Health and Safety Act (OHSA).

This is after the IES conducted inspections in 2789 workplaces throughout the country starting from April 30, 2020 to May 08, 2020. During the inspections it was found that 1237 organisations were not compliant resulting in the issuance of 1463 notices comprised of Contravention Notices; Improvement Notices and Prohibition Notices.”

<https://www.gov.za/speeches/employment-and-labour-compliance-organisations-coronavirus-covid-19-regulations-12-may-2020>

Media Statement

SA Government News Agency. R11 billion disbursed in UIF COVID-19 benefits.

2020 May 12 SA News

“The Unemployment Insurance Fund (UIF) has in the past month disbursed R11 billion in benefits to over two million employees affected by the COVID-19 pandemic lockdown. A total of 161 567 companies launched claims on behalf of their workers over the course of the last month. The funds were disbursed through the COVID-19 Temporary Employer/Employee Relief Scheme (TERS). This method of paying out, was borne out of an agreement reached at the National Economic Development and Labour Council (NEDLAC) which represents workers through unions, employers and the community.”

<https://www.sanews.gov.za/south-africa/r11-billion-disbursed-uif-covid-19-benefits>

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ENERGY AND MINING

Media Release

Department of Mineral Resources. Department of Mineral Resources and Energy Gazettes Mandatory Code of Practice to fight Coronavirus COVID-19 in mining. 12 May 2020.

“The Department of Mineral Resources and Energy yesterday issued - for public comment - a guideline for the compilation of a mandatory code of practice for the mitigation and management of COVID-19 for the mining sector. This is in compliance with the outcome of a recent labour court process, and is part of efforts by the department - as regulator of the mining sector - to ensure the spread of the virus is contained and protect the health and safety of employees at mines, and other persons who may be directly affected. The draft Guideline for the Compilation of a Mandatory Code of Practice for the Mitigation and Management of COVID-19 Outbreak can be accessed and downloaded from the Department's websites, www.dmr.gov.za and/or www.energy.gov.za.”

<https://www.gov.za/speeches/international-nurses-day-commemoration-12-may-2020-0000>

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FINANCIAL LAW

Media Releases

National Treasury. Clarity on financial support of R5 billion already made available to municipalities for Covid-19 response. 12 May 2020.

“National government has made available more than R5 billion in support to municipalities to assist them in responding to the COVID-19 pandemic in the 2019/20 municipal financial year. This support is assisting municipalities to provide additional access to basic services for vulnerable communities during the lockdown and to sanitize public transport facilities as the economy undergoes a phased re-opening. The largest amounts have been made available through the reallocation of conditional grant funds already allocated to municipalities in 2019/20. While the 2019/20 national and provincial financial years ended on 31 March 2020, the municipal financial year runs until 30 June 2020. This means that grant funds transferred from national government before the end March 2020, still had another 3 months to be spent by municipalities.”

<https://www.gov.za/speeches/treasury-coronavirus-covid-19-support-municipalities-12-may-2020-0000>

National Treasury. National Treasury and Reserve Bank on opening of Coronavirus COVID-19 Loan Guarantee Scheme. 12 May 2020.

“The Covid-19 loan guarantee scheme announced by President Cyril Ramaphosa in April will operate from 12 May 2020. The initial set of participating banks (Absa, First National Bank, Investec, Mercantile Bank, Nedbank and Standard Bank) are ready to accept loan applications from distressed businesses which bank with them. The activation of the loan guarantee scheme follows the finalisation of legal details by National Treasury, the South African Reserve Bank and the Banking Association South Africa.”

<https://www.gov.za/speeches/loan-guarantee-scheme-opens%C2%A0-12-may-2020-0000>

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HOUSING / HUMAN SETTLEMENTS

Media Statement

SA Government News Agency. Plans afoot to address over-crowding at Mamelodi hostels.

2020 May 12 SA News

“Plans to ease congestion at Mamelodi hostels are at an advanced stage, says Human Settlements, Water and Sanitation Minister, Lindiwe Sisulu. These plans form part of interventions by the Department of Human Settlements to contain the spread of COVID-19, through ensuring that communities have enough space to practice social distancing. This will see 1000 units being built to reduce the number of occupants in the currently overcrowded hostel.”

<https://www.sanews.gov.za/south-africa/plans-afoot-address-over-crowding-mamelodi-hostels>

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LAND AND PROPERTY

Media Statement

SA Government News Agency. Deeds offices to reopen on Wednesday.

2020 May 12 SA News

“Deeds offices across the country will as of Wednesday 13 May, reopen their doors under strict guidelines. The Department of Agriculture, Land Reform and Rural Development announced the reopening in a statement on Monday. “All services will be available and all lodgements will be accepted. The members of the public and clerks will however, not be allowed in the buildings. Only conveyancers will be allowed to enter the buildings and in big offices, however, their consultations will be controlled through appointments,” said the department.”

<https://www.sanews.gov.za/south-africa/deeds-offices-reopen-wednesday>

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LOCAL GOVERNMENT

Media Release

National Treasury. Treasury on Coronavirus COVID-19 support for municipalities. 12 May 2020.

“National government has made available more than R5 billion in support to municipalities to assist them in responding to the COVID-19 pandemic in the 2019/20 municipal financial year. This support is assisting municipalities to provide additional access to basic services for vulnerable communities during the lockdown and to sanitize public transport facilities as the economy undergoes a phased re-opening. The largest amounts have been made available through the reallocation of conditional grant funds already allocated to municipalities in 2019/20. While the 2019/20 national and provincial financial years ended on 31 March 2020, the municipal financial year runs until 30 June 2020. This means that grant funds transferred from national government before the end March 2020, still had another 3 months to be spent by municipalities.”

<https://www.gov.za/speeches/treasury-coronavirus-covid-19-support-municipalities-12-may-2020-0000>

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MEDICAL LAW

Media Release

The Presidency. President Cyril Ramaphosa pays tribute to Nurses on International Nurses Day. 12 May 2020.

“President Cyril Ramaphosa has today, International Nurses Day, paid tribute to South Africa’s nurses for their critical contribution to the nation’s wellbeing and called on communities to accord nurses the necessary gratitude and support. International Nurses Day is celebrated around the world every May 12, the anniversary of Florence Nightingale’s birth. The annual commemoration is organised by the International Council of Nurses. The Council has dedicated the year 2020 to acknowledging nurses and midwives as leaders in society. The President says the highly valued contribution of nurses to society has taken on exponential importance in the battle, in the country and around the world, against COVID-19.”

<https://www.gov.za/speeches/president-pays-tribute-nurses-international-nurses-day-12-may-2020-0000>

Media Statements

SA Government News Agency. Int Nurses Day: Health prioritises protective gear.

2020 May 12 SA News

“As the number of health workers infected with the Coronavirus continues to rise, Health Minister, Dr Zweli Mkhize, says no nurse will work without the necessary protective gear. Mkhize said this during an International Nurses Day

commemoration event in KwaZulu-Natal on Tuesday. International Nurses Day recognises the significant contribution that nurses make to society. Mkhize was speaking as the world marks the 200th anniversary of the birth of Florence Nightingale, the foundational philosopher of modern nursing. The Minister and his Deputy, Dr Joe Phaahla, together with MECs for Health in all nine provinces held a special candlelight ceremony for all nurses in the country.”

<https://www.sanews.gov.za/south-africa/int-nurses-day-health-prioritises-protective-gear>

SA Government News Agency. Mkhize assesses COVID-19 response in the Eastern Cape.

2020 May 12 SA News

“As the numbers of Eastern Cape COVID-19 infections continue to spread like wildfire, the Health Minister, Dr Zweli Mkhize, says they are working around the clock to contain transmissions. Speaking in the province where he was monitoring COVID-19 responses on Monday, Mkhize said he was pleased about the additional beds put in place to deal with the high number of COVID-19 patients. The Eastern Cape now has the fourth-highest number of infections in the country, while the Western Cape remains in the lead... The province has already employed 800 nurses within the past few weeks while additional doctors will also be brought in as a response to the virus. Cuban doctors who are specialists in managing the disease are also being roped in.”

<https://www.sanews.gov.za/south-africa/mkhize-assesses-covid-19-response-eastern-cape>

SA Government News Agency. SANAC salutes nurses.

2020 May 12 SA News

“As the world today marks International Nurses Day, South African National AIDS Council (SANAC) Chairperson, Deputy President David Mabuza, has saluted local nurses for their service against the novel Coronavirus. Each year on 12 May, the world observes International Nurses Day to mark and recognise the significant contribution that nurses make to society. “We take this opportunity to convey our special and sincere gratitude to all our nurses throughout the country, for their dedication in providing healthcare support to our people,” he said on Tuesday.”

<https://www.sanews.gov.za/south-africa/sanac-salutes-nurses>

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TOURISM

Media Release

Parliament of South Africa. Committees on tourism urge Minister of Tourism to prioritise previously neglected communities. 12 May 2020.

“The Portfolio Committee on Tourism, and the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour yesterday received a briefing from the Minister of Tourism on the reasons for the withdrawal of the 2020/21 Annual Performance Plan of the Department of Tourism. The Minister of Tourism, Ms Mamaloko Kubayi-Ngubane, informed the joint meeting of the committees that tourism portfolio that includes the Department of Tourism and the South African Tourism has been severely affected by the COVID-19 pandemic more than any other department.”

<https://www.gov.za/speeches/previously-neglected-communities%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B-12-may-2020-0000>

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TRADE AND INDUSTRY

Government Gazettes

Disaster Management Act 57 of 2002

- Directions issued by Minister of Small Business Development in terms of Regulation 4(9) of the Regulations made under section 27(2) of the Act: Measures to prevent and combat the spread of COVID-19 in order to assist micro and small businesses trading in permitted services, to comply with the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act 57 of 2002 and published on 29 April 2020 in [RGN480 of GG 43258](#). These Directions re-affirm and extend the application of the previous Directions published in [RGN450 GG 43208 of 6 April 2020](#) that applied to informal, micro and small businesses that render essential services.
RGN522 GG 43306 p3 12May2020
http://www.gpwonline.co.za/Gazettes/Gazettes/43306_12-5_SmallBusinessDev.pdf
- Directions issued by Minister of Trade, Industry and Competition regarding the sale of cars and emergency automobile repairs during Alert Level 4 of the COVID-19 National State of Disaster. Directions in terms of regulation 4(6)(a)(ii) and (b), read with Part H.6 and Part L of Table 1 of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act 57 of 2002 and published on 29 April 2020 in [RGN480 of GG 43258](#).
RGN524 GG 43308 p3 12May2020
http://www.gpwonline.co.za/Gazettes/Gazettes/43308_12-5_TradeIndusCompetition.pdf

- Directions issued by Minister of Trade, Industry and Competition regarding the sale of clothing, footwear and bedding during Alert Level 4 of the COVID-19 National State of Disaster. The purpose of these Directions is to provide direction on the type of clothing, footwear and bedding which may be sold by retailers during Alert Level 4 in terms of Part E of Table 1 of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act 57 of 2002 and published on 29 April 2020 in [RGN480 of GG 43258](#).
RGN523 GG 43307 p3 12May2020
http://www.gpwonline.co.za/Gazettes/Gazettes/43307_12-5_TradeIndusCompetition.pdf

Media Releases

Department of Trade and Industry. Trade, Industry and Competition on impact of Coronavirus COVID-19 on economy. 12 May 2020.

“The Department would like to reiterate that Minister Patel has consistently put forward the view on the devastating impact of COVID-19 on the SA economy since the declaration of the national disaster. ...

The Department would also like to put it on record that Minister Patel recognises the very significant impact of the pandemic and the lockdown on the economy. It is imperative that there is a more measured and responsible public commentary during this trying times in our country in particularly and the globe in general, given the enormous consequence on human lives if we get it wrong.”

<https://www.gov.za/speeches/trade-industry-and-competition-impacc-coronavirus-covid-19-economy-12-may-2020-0000>

Parliament. Trade and Industry Committee hears that thousands applied for essential service certificates. 12 May 2020.

“To date, as at submission of this presentation, approximately 440 000 companies have applied and received their essential service certificates for level 5 and level 4 lockdown.

The committee further heard that the system does not accept any other form of business namely, a sole proprietor, trading trust, industry body and partnership. The CIPC’s legal mandate only extends to companies in terms of the law, as there is no way to cross reference information for the above-mentioned. The Department of Small Business Development, as well as municipalities, have been advised to handle other business types.”

<https://www.parliament.gov.za/press-releases/trade-and-industry-committee-hears-thousands-applied-essential-service-certificates>

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