

# Covid-19 Regulatory Update

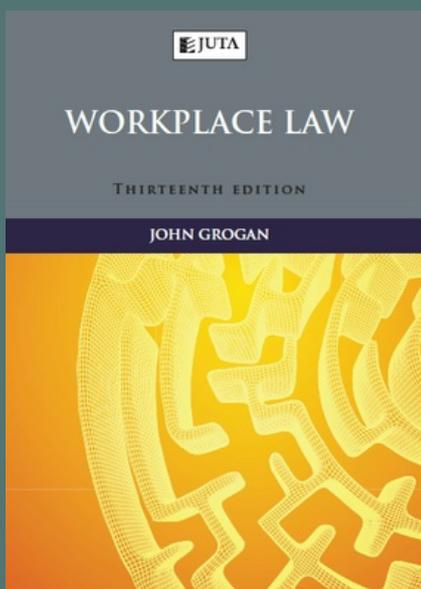
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Covid-19 Regulatory Update: 23 June 2020

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## New: Thirteenth edition Workplace Law by John Grogan



The thirteenth edition of the well-known *Workplace Law* by John Grogan will be available soon.

The publisher's website provides the following information on the book:

“First published in 1996, *Workplace Law* has become one of the most widely used and frequently quoted text books on South African labour law. This 13th edition has been revised and supplemented to incorporate the latest case law, as well as the latest amendments to labour legislation.

*Workplace Law* provides a complete overview of issues that have arisen and are likely to arise on the shop floor, in court and in arbitration proceedings – from unfair labour practices, through employment equity, dismissal and collective bargaining, to strikes. Students, HR and IR practitioners, lawyers, employers, employees and trade union officials will find this updated, comprehensive and reliable work a convenient and indispensable guide to a complex and fascinating area of law. *Workplace Law* is also available in electronic form in Juta's Labour Law Library, where it is updated quarterly.”

The printed edition can be pre-ordered from our Book Supply Service. The price is R895.00 including Vat but excluding delivery. Email [books@lexinfo.co.za](mailto:books@lexinfo.co.za) to order your copy.

## COMPETITION

### *Media Comment*

#### **Cape Town chemical firm agrees to pay R600K for doubling price of hand sanitiser.**

2020 Jun 22 Citizen

“A Cape Town-based chemical firm has agreed to pay a settlement amount of R600,000 for allegedly charging excessive prices for hand sanitiser. In a statement on Monday, the Competition Commission said it had applied to the Competition Tribunal for confirmation as an order a settlement agreement with a Cape Town-based company, Caprichem (Pty) Ltd (Caprichem). The commission said the settlement amount would comprise of an administrative penalty and a contribution to the Solidarity Fund, which was established to assist the vulnerable in the wake of the Covid-19 pandemic.

<https://citizen.co.za/news/covid-19/2306811/cape-town-chemical-firm-agrees-to-pay-r600k-for-doubling-price-of-hand-sanitiser/>

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## CONFIRMED CASES

### *Reports*

#### **National Institute for Communicable Diseases. Covid-19 Daily Report: 22 June 2020.**

<https://www.nicd.ac.za/wp-content/uploads/2020/06/COVID19-Daily-Report-National-Public-22June2020.pdf>

#### **National Institute for Communicable Diseases. Latest confirmed cases of COVID-19 in South Africa: 22 June 2020.**

<https://www.nicd.ac.za/latest-confirmed-cases-of-covid-19-in-south-africa-22-june-2020/>

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## CORRECTIONAL SERVICES

### *Government Gazette*

#### **Disaster Management Act 57 of 2002**

Directions issued by Minister of Justice and Correctional Services in terms of Regulation 4(2) of the Regulations made under the Act: Measures to address, prevent and combat the spread of COVID-19 in all Correctional Centres and Remand Detention Facilities in the Republic of South Africa. In operation on date of publication.

[GN460 in GG 43225 of 9 April 2020](#) is withdrawn.

GN698 GG 43463 p3 22Jun2020

[http://www.gpwonline.co.za/Gazettes/Gazettes/43463\\_22-6\\_CorrecServices.pdf](http://www.gpwonline.co.za/Gazettes/Gazettes/43463_22-6_CorrecServices.pdf)

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## COURTS

### *Media Comment*

#### **Venter, Zelda. Covid-19 results in most court cases being heard remotely.**

2020 Jun 22 IOL

“In all fairness, Judge President Dunstan Mlambo recently sent out a directive that the media could apply to his office, or to the judge hearing a particular matter virtually, to join the virtual proceedings. This is in the form of a request and the presiding judge may refuse. That is, if you manage to get hold of the registrar.

It's all good and well and it's a step to ensure open justice, but logically it's only for the cases which are known to us. But where does it leave Dube vs Smith, for instance, which could be something of public interest.”

<https://www.iol.co.za/pretoria-news/covid-19-results-in-most-court-cases-being-heard-remotely-49775419>

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## FINANCIAL LAW

### *Internet Article*

#### **De Vos, Pierre. Why the court ordered that race and gender should be taken into account when allocating Covid-19 relief funds.**

2020 Jun 22 Constitutionally Speaking

[Democratic Alliance v President of the Republic of South Africa and Others \(Economic Freedom Fighters Intervening\) \(21424/2020\) \[2020\] ZAGPPHC 237 \(19 June 2020\)](#) is discussed.

“The DA had challenged a decision of the Minister of Small Business Development to use gender, youth and disability (and perhaps race) as some of the many factors to be taken into account when deciding how to allocate financial aid to small, medium and micro enterprises....The court thus reviewed and set aside the criteria used on the basis that they are void for vagueness. In terms of the Rule of Law the exercise of a public power must be certain, even if discretion to allocate funds is permissible. But the criteria in terms of which the public power to allocate aid was based was so vague that it could never be certain.”

<https://constitutionallyspeaking.co.za/why-the-court-ordered-that-race-and-gender-should-be-taken-into-account-when-allocating-covid-19-relief-funds/>

### *Media Comment*

**Hunter, Qaanitah. DA to appeal court ruling allowing race, BBBEE status as criteria for Covid-19 aid.**

2020 Jun 22 News24

[Democratic Alliance v President of the Republic of South Africa and Others \(Economic Freedom Fighters Intervening\) \(21424/2020\) \[2020\] ZAGPPHC 237 \(19 June 2020\)](#) is discussed.

- “The DA has described a judgment on the government's use of transformation criteria when providing relief as a “step back for non-racialism”.
- The party intends to appeal.
- The court dismissed the DA's bid to stop the minister of small business development to stop using BBBEE status, race, gender, age or disability when considering who gets Covid-19 aid.”

<https://www.news24.com/news24/southafrica/news/da-to-appeal-court-ruling-allowing-race-bbbee-status-as-criteria-for-covid-19-aid-20200622>

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## INSURANCE

### *FSCA Communication*

**FSCA Communication 34 of 2020 (INS). Covid-19 - Regulatory Response: The Financial Sector Conduct Authority's Stance on Business Interruption Insurance. 18 June 2020.**

[https://www.fsc.co.za/Regulatory%20Frameworks/Temp/FSCA%20Communication%2034%20of%202020%20\(INS\).pdf](https://www.fsc.co.za/Regulatory%20Frameworks/Temp/FSCA%20Communication%2034%20of%202020%20(INS).pdf)

### *Media Comments*

**Consumer journalist Georgina Crouth says many insurers claim their policies were never written to cover pandemics.**

2020 Jun 22 Radio 702

“Consumer journalist Georgina Crouth explains how many insurers have blamed government regulations for the losses, saying their policies were never written to cover pandemics.”

<https://www.702.co.za/articles/387501/clients-finding-no-joy-in-bid-to-make-covid-19-insurance-claims>

**Ngalonkulu, Melitta. Covid-19 is shaking up the insurance sector as customer needs change.**

2020 Jun 23 MoneyWeb

<https://www.moneyweb.co.za/news/industry/covid-19-is-shaking-up-the-insurance-sector/>

**Planting, Sasha. Insurers claim Covid-19 does not trigger “infectious disease” insurance claims.**

2020 Jun 22 Daily Maverick

“The Financial Sector Conduct Authority, which regulates South Africa's financial institutions from banks to insurers, has weighed in on the subject of business interruption insurance, bringing a ray of hope to the many restaurants, hotels and lodges facing economic ruin as a result of the Covid-19 pandemic and subsequent lockdown.

The hospitality sector had turned to the regulator in the hope that it would be able to intervene in what was turning into a battle royale between insurance companies and their clients, those businesses that had taken out business interruption insurance and believe they have a legitimate right to claim.”

<https://www.dailymaverick.co.za/article/2020-06-22-insurers-claim-covid-19-does-not-trigger-infectious-disease-insurance-claims/#gsc.tab=0>

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## SOCIAL BEHAVIOUR

### *Media Release*

#### **Department of Health Mkhize launches MAC for Social Behavioural Change. 16 June 2020.**

“Health Minister Dr Zweli Mkhize and Social Development Minister Lindiwe Zulu on Youth Day launched a multi-sectoral Ministerial Advisory Committee on Social Behavioural Change as the number of COVID-19 infections continue to rise.

The team consists of leaders from faith-based organisations, civil society and labour unions.

Speaking during a digital press briefing on Tuesday, Mkhize said this social compact “is a transition from relying on enforcement to relying on the sheer goodwill and tenacity of South Africans to do what it takes to save lives and livelihoods”.

<https://sacoronavirus.co.za/2020/06/16/mkhize-launches-mac-for-social-behavioural-change/>

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## STATISTICS

### *Media Comment*

#### **DA lays complaint with Public Protector over KZN Health failure to submit daily Covid-19 stats**

2020 Jun 22 IOL

“The Democratic Alliance (DA) has submitted a formal complaint to the Public Protector alleging the abuse of executive authority by KZN Health MEC, Nomagugu Simelane-Zulu as a result of undue delays in releasing up-to-date Covid-19 information in the province.”

<https://www.iol.co.za/dailynews/news/kwazulu-natal/da-lays-complaint-with-public-protector-over-kzn-health-failure-to-submit-daily-covid-19-stats-49743269>

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