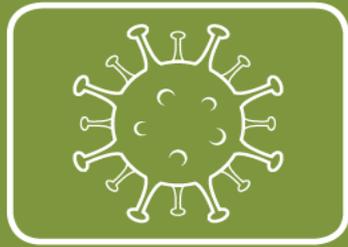


COVID-19 FREQUENT QUESTIONS & ANSWERS IN WORKPLACES

9 April 2020





1. Can I compel employees to take annual leave during the lockdown?

Yes, an employer may determine when annual leave should be taken. However, should the employment contract stipulate when employees must take annual leave, employers are required to grant leave in accordance with the contractual provision. In these circumstances, it is suggested that employers and employees renegotiate the contractual provision, to provide that leave be taken during this time.

(Source: Basic Conditions of Employment Act, Section 20 and [Cliffe Dekker Hofmeyr COVID-19 Survival Guide](#))

2. Am I permitted to lock the farm gate in an effort to prevent movement and stop the spread of the COVID-19 virus?

For the duration of the lockdown, every person is confined to his or her place of residence, unless strictly for the purpose of performing an essential service, obtaining an essential good or service ([click here](#) for a comprehensive list of essential goods or services), collecting a social grant, or seeking emergency, life-saving, or chronic medical attention. If locking the gate would lead to employees being unable to obtain the abovementioned goods and services, it would be prudent/wise not to lock the gate. It is recommended that employees firstly be made aware of how dangerous COVID-19 is and how it spreads – particularly through the movement of people. Secondly, that employees have easy access to the person(s) who has control over the gate, should the need arise to obtain essential goods or services.

(Source: GNR. 43168 of 26 March 2020 and as amended by GNR. 43199 of 02 April 2020)

3. I need to transport staff during the lockdown, are there any regulations that I need to follow?

Yes, staff may be transported, however the following needs to be adhered to:

- 1. No more than 60% of the capacity of the vehicles may be exceeded;*
- 2. The hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to;*
- 3. Employees must be in possession of a permit indicating that they are part of the essential services;*
- 4. All drivers must wear masks.*

(Source: Western Cape Department of Agriculture FAQ Covid-19 in Agriculture)

4. Is there any financial assistance, if employees work reduced hours as a result of the COVID-19 virus?

Employers, on behalf of employees, can claim from the Unemployment Insurance Fund if employees are required to work reduced hours or if the operation (the farm) needs to close due to the lockdown. The employer must electronically submit the following documents: UI2.1 application form, the UI19 and UI2.7 which must be completed by the employer, UI2.8 (banking details completed by the bank) alternatively a bank statement or bank verification letter may be submitted instead of the UI2.8. In addition a letter from the employer confirming shutdown or employee's temporary lay-off due to coronavirus and copy of employee's ID document ([all forms are available on our website](#)). If the employer pays a certain amount of the employee's salary, the benefit will be reduced being the difference between the benefit level and the amount received as income.

5. What are my obligations to my employees regarding ensuring their health and safety during the lockdown period?

The Occupational Health and Safety Act 85 of 1993 (OHSA), requires an employer to put systems in place to avoid and respond to potential threats to the health and safety of workers. OHSA determines that Businesses shall provide a safe and healthy working environment for employees, and shall take adequate steps and effective measures to prevent illnesses arising out of, associated with or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

What this means within our current context is that all businesses must ensure that they adopt the necessary measures to ensure minimum exposure to the Coronavirus during this time. Like all other safety measures, these Covid-19 protection measures need to be communicated to all staff. These measures may include:

- 1. the prohibition of handshakes or physical contact;*
- 2. limitation on meetings or staff gatherings particularly in small confined spaces where social distancing is not possible;*
- 3. sufficient supply of hand sanitizer; or*
- 4. the appropriate use of PPE;**

** Please be aware that on 17 March 2020, the Minister of Employment and Labour urged employers to conduct a health and safety risk assessment in consultation with their employees, whilst ensuring that measures are put in place to ensure a healthy workplace in terms of their health and safety obligations such as the provision of the necessary protective equipment and put in place systems to deal with the outbreak, as well as including all mitigating measures that are to be put in place until the outbreak has been dealt with.*

(Source: [Cliffe Dekker Hofmeyr COVID-19 Survival Guide](#))

6. Can I evict during this Covid-19 pandemic?

No. All evictions are suspended for the duration of the lockdown.

- 1. The sheriff will not execute any evictions during the lockdown period*
- 2. The courts will not issue any new eviction applications during the lockdown period*
- 3. The courts will postpone all eviction applications that are currently set down for hearing during the lockdown to a date after the lockdown*
- 4. No member of the public will be allowed into court – only legal practitioners, the parties to the matter, presiding officer and court staff*
- 5. Legal practitioners can still go to court to file documents in existing matters but only if necessary*
- 6. The courts will only hear urgent applications, bail applications and appeals or matters relating to violations of liberty, domestic violence, maintenance and matters involving children.*

(Source: GNR.440 of 31 March 2020)

We call upon producers to do the right thing during these challenging times and to act in the best interests of every family who currently resides on agricultural land whether there by consent or not. Every man, women and child, the elderly and the sick remain in a vulnerable state right now. Any relocations, unauthorized movement for reasons other than deemed essential, or displacement of farm dwellers will only serve to place these families at greater risk of contracting or transmitting this virus. Now is the time to do the ethical and morally correct thing.

Should you have any further questions, please do not hesitate to contact our offices on 063 766 6548 via whastapp or alternatively by email to earl@wieta.org.za or amelia@wieta.org.za

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