

Q & A FOR BUSINESS OPERATIONS DURING THE LOCK DOWN UPDATED AS AT 26 MARCH 2020

This Q&A constitutes our expectations as to how the business lockdown will take effect. It is not an official document, but intended to bring some clarity to businesses at the current point in time.

As per our previous communication, we appeal to all businesses to respect the importance of the lockdown. Sacrifices will need to be made in the broader interests of the country and its people.

Is there an official list of which businesses that should remain open?

Yes, the official list was published in a government gazette on 25 March 2020.

Which businesses may continue to operate during the lockdown?

The government gazette of 25 March 2020 provides for a list of essential business services that may continue to operate under the lockdown:

- Those listed on Schedule A and B of the regulations
- Those industries that are already officially registered under the Labour Relations Act as an Essential Service. The list of such services is available on the CCMA website, and is up to date.

Businesses are encouraged to adopt a responsible and practical approach to identify whether you should remain in operation, either in full or in part. The lockdown cannot be so broad as to render the lockdown effort ineffective. Normal commercial operations do not qualify as essential services and sacrifices will need to be made. The lockdown will only work if businesses voluntarily comply. Bottom line, only remain open if you are a part of supplying a product or service that is essential under the current circumstances.

Note: we anticipate that there may be an amendment to the Regulations in the next few days to rectify some glaring omissions. If you believe your business or sector has been left off the list, please contact your industry association who will feed this information through to a central point for business.

Do I have to register my business on the <http://www.bizportal.gov.za/> CIPC portal in order to carry on business as an essential business?

This is not obligatory in terms of the regulations, but has been put in place as an additional measure to give comfort to business and employees if they get stopped by police officers. It will also help government understand and better manage essential business services during this time. The online portal is open, but overloaded.

Essential businesses should not cease operations if you are unable to get a certificate before the lockdown. The portal will remain open and businesses can continue to register as and when they are able to do so.

Will I be required to get exemption?

The lockdown regulations require voluntary compliance and responsible self-identification as an essential business or part thereof. You do not need to get a specific exemption.

Can I run skeleton functions if I am not an essential business?

Yes, there are basic functions that will be important to maintain. These include maintenance and security of property and IT infrastructure to enable businesses to operate financial and payroll systems in particular. These are mainly covered under:

- Annexure B, B(3) with reference to financial services necessary to maintain the functioning of the banking and payments environment
- Annexure B, B(13) with reference to telecommunications infrastructure and services, of the regulations.
- Annexure B, B (20) private security services

What do I need to do for staff that need to get to work for an essential business?

1. Identification as an employee of an essential businesses

Provide some form of official identification for your staff members. We suggest all businesses provide a letter to each staff member on an official company letterhead. An updated example of a letter is contained at the end of this Q&A in the event that it may assist.

We recommend the letter includes the following details:

- that the employer is a designated business;
- the name, ID number and employee-number of the employee;
- the position of the employee;
- the relevant section and category of essential service that the business qualifies under;
- and
- that the employee is required to travel to and from work in order to perform the essential business.

The employee should have the letter with her/him when travelling to and from work, which can be presented to law enforcement officers if need be.

In addition, employees should, where possible also carry:

- a copy of the proof of registration on the <http://www.bizportal.gov.za/> CIPC website, once you have received a copy of this
- a company identity card may be carried if, applicable.

2. Transport for employees of essential businesses

Employers are required to ensure that staff are travelling to work safely under the lockdown. Where possible, employers should arrange transport for workers, and make arrangements for regular sanitising of vehicles and social distancing. Please refer directly to the provisions of the regulations for more details. Limited forms of public transport, including buses and taxis, will be available only for employees engaged in essential product and services businesses.

What do I do if stopped at a checkpoint and I am not allowed to proceed?

Stay calm, produce your documentation (as per above), and ask them to verify this with your company representative.

How will transportation of goods be managed during this period?

An essential business will be required to demonstrate that it is transporting an essential product or part of an essential service. A letter on a company letterhead should explain why the transportation is part of an essential service, referring to the relevant provision in the regulations.

Will I be able to transport goods across the border or through the ports?

Yes, we expect that this will continue for essential products and services and the ports are required to remain open.

If I can work from home, can I continue to run my business?

We encourage people to continue to remain productive and work from home if this is feasible provided that this does not require physical contact with non-residents, or impair the Covid19 response.

What do I do if I need further information on these issues?

Government and business contact points are overwhelmed with legitimate questions from companies on the list and how it is to be applied. Please contact your industry association and ask them to consolidate and then feed through queries and comments to a central point as quickly as possible.

We appreciate that these are uncertain times and you may have many questions. We need to take responsibility for applying cool heads as to what is required of us under the current circumstances. Government will need to rely on us to self-comply, using our best judgement in the circumstances.

We ask all businesses and people to take this lockdown seriously and to help us respond as effectively as possible to the country's efforts to contain and minimise the impact of Covid19.

DRAFT TO BE INSERTED ONTO OFFICIAL COMPANY LETTERHEAD

CONFIRMATION OF EMPLOYMENT IN ESSENTIAL BUSINESS

[STAMP WITH OFFICIAL STAMP OF COMPANY, IF YOU HAVE THIS]

THE PERSON IN POSSESSION OF THIS LETTER SHALL HAVE HER/HIS IDENTITY DOCUMENT / PASSPORT / DRIVER'S LICENSE IN HER/HIS POSSESSION AND SHALL PRESENT IT TO ANY LAW ENFORCEMENT OFFICER UPON REQUEST.

[INSERT NAME OF EMPLOYER] CONDUCTS BUSINESS IN THE [INSERT NATURE OF INDUSTRY]. THE COMPANY IS AN ESSENTIAL BUSINESS AS DESIGNATED BY THE GOVERNMENT AND IS REQUIRED TO CONTINUE OPERATIONS DURING THE NATIONAL LOCKDOWN PERIOD, I.E. BETWEEN MIDNIGHT ON 26 MARCH 2020 AND MIDNIGHT ON 16 APRIL 2020 IN TERMS OF THE REGULATIONS IN THAT THE BUSINESS OPERATES AS AN ESSENTIAL SERVICE CATEGORISED AS:

[AN ESSENTIAL SERVICE UNDER THE LABOUR RELATIONS ACT IN THAT THE [INSERT INDUSTRY AS PER THE ESSENTIAL SERVICES LIST], AND / OR AN ESSENTIAL SERVICE IN TERMS OF THE REGULATIONS TO THE DISASTER ACT [INSERT RELEVANT SECTION / SECTIONS FROM THE SCHEDULE]

THE EMPLOYEE, WHOSE DETAILS ARE SET OUT BELOW, IS EMPLOYED BY THE COMPANY, FULFILLS AN ESSENTIAL FUNCTION, AND IS REQUIRED TO TRAVEL TO AND FROM WORK DURING THE LOCK-DOWN PERIOD.

EMPLOYEE'S DETAILS:

NAME AND SURNAME: _____

ID/PASSPORT NUMBER: _____

EMPLOYEE NUMBER: _____

WORK ADDRESS: _____

POSITION: _____

CONTACT DETAILS:

CELL NUMBER	TELEPHONE NUMBER (W)	TELEPHONE NUMBER (H)	EMAIL ADDRESS

COMPANY'S DETAILS:

NAME: _____

REGISTRATION NUMBER: _____

PHYSICAL ADDRESS _____

CONTACT PERSON: _____

CONTACT NUMBER: _____

THE COMPANY CONFIRMS THAT THE INFORMATION SET OUT ABOVE IS TRUE AND CORRECT.

FOR: [NAME OF COMPANY]

DATE

NAME:

POSITION: HEAD OF THE INSTITUTION