

Manage COVID 19 at the workplace

How companies can fund employees during the lockdown



How companies can fund lockdown in terms of payment to workers

Companies can explore various options:

- * Treat the lockdown as annual leave
- * Get agreement with the union or employee representatives or in individual consultation with employees on a pay cut *only* for the duration of the lockdown or
- * If the employer cannot pay for the full period, perhaps explore part-payment and then the employee can claim from the Unemployment Insurance Fund.



UIF will pay sick leave under certain conditions

Under the new extraordinary provisions, the UIF will pay sick leave if self-quarantined on presentation of a letter from the employer and employee in place of a medical certificate. A confirmation letter from both the employer and employee must be submitted together with the application as proof that both the employer and employee have agreed to the 14 days special leave. Under such conditions, employers must ensure that they assist employees as far as possible to be able to claim.



What kind of leave applies if an employee is still on sick leave or in self-quarantine when the lockdown happens?

- * The sick leave provisions as set out should apply and the employee would be entitled to claim the quarantine period as sick leave in terms of the UIF extraordinary provisions. If they are then diagnosed with Covid-19 then usual sick leave provisions will kick in after that.
- * While these provisions now exist, the current UIF infrastructure could be put under severe strain in the current crisis. As a result various unions and employers are exploring whether payment to workers could be made through the bargaining council administered funds such as the sick pay funds, where they exist.



The Temporary Employer/Employee Relief Scheme (TERS)

- * A further provision provided for which is linked to the UIF but is administered by the Commission for Conciliation Mediation and Arbitration (CCMA) where employers could seek some form of relief is the Temporary Employer/Employee Relief Scheme (TERS). This scheme came into effect in December 2019 and applies to companies in distress.
- * If a company is deemed to be in distress, it can apply to the CCMA to seek a TERS allowance through the single adjudication committee process by the previously mentioned departments. However, under the current conditions, where companies can make a case that they have been directly affected by Covid-19, they could apply for a TERS allowance.



The Occupational Health and Safety Act 85 of 1993

The Compensation Commissioner, in terms of the Compensation for Occupational Diseases Act, recently issued guidelines on what they will and will not consider occupational disease.

- * High risk health care workers
- * Employees who are in designated services and are expected to work
- * Medium risk employees exposed through ongoing community activities with high density population activities such as doctors' waiting rooms, schools, large retailers, government advice centres, or if the disease was contracted due to international travel for work

There is a procedure to follow and if the fund accepts responsibility the fund would pay medical expenses and up to 30 days sick leave/compensation. However, they would NOT be paying the quarantine period.

Thank You



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