

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 541

15 MAY 2020

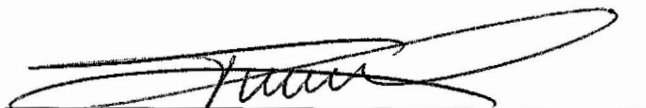
AMENDED COVID-19 TEMPORARY EMPLOYEE / EMPLOYER RELIEF SCHEME (C19 TERS), 2020

No. R.

2020

AMENDMENT OF DIRECTIVE BY THE MINISTER OF EMPLOYMENT AND LABOUR IN TERMS OF REGULATION 10 (8) OF THE REGULATIONS ISSUED BY THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN TERMS OF SECTION 27 (2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

I, Thembelani Waltermade Nxesi, the Minister of Employment and Labour, acting in terms of Regulation 10 (8) of the Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) hereby amend the Directive that I issued in terms of Regulation 10 (8) of the Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) as set out in the Schedule.



**MR. T. W. NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR**

DATE: 30/04/2020

Amendment to Directive

SCHEDULE

Further Amendment to the 25 March 2020 Directive

1. Clause 1 is amended by the addition of sub-clauses 1.8 and 1.9 after sub-clause 1.7 as follows:

1.8 “Bargaining council” means a bargaining council or statutory council registered in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995).

1.9 “Entity” means any juristic person that in terms of its articles of association or constitution has employees or employers as members and is permitted to pay COVID-19 benefits to employees directly or indirectly through its employer members.

2. Clause 3.1 is amended by the deletion of the phrase ‘clause 3.8.1 and 3.8.2(c)’ and substituted with the phrase ‘clause 3.8’.

3. Clause 3.8 is amended by the substitution of the clause with the following:

3.8.1 An employer whose employees are entitled to receive Covid-19 benefits provided by the Unemployment Insurance Fund during the period of lockdown from a bargaining council or entity may not make an application in terms of the Scheme and the employees of that employer may not receive any payment in terms of the Scheme other than through the bargaining council or entity.

3.8.2 The restriction in clause **Error! Reference source not found..1** above only applies if -

Amendment to Directive

- (a) The parties to the bargaining council have concluded a collective agreement that -
 - (i) has been extended by the Minister of Employment and Labour in terms of section 32 of the Labour Relations Act, 1995 (Act No. 66 of 1995); and
 - (ii) provides for the disbursement of funds received from the Unemployment Insurance Fund to provide Covid-19 benefits to employees bound by the collective agreement during the period of lock-down; and/or
- (b) the bargaining council has concluded a memorandum of agreement with the Fund for the council to disburse Covid-19 benefits on behalf of the Fund to –
 - (i) the employees who fall within the scope of the collective agreement or its registered scope; and
 - (ii) if authorized by the memorandum of agreement, any other employees in a sector identified in the agreement, whether or not they fall within the registered scope of the bargaining council; or
- (c) An entity has concluded a memorandum of agreement with the Fund for it to disburse Covid-19 benefits on behalf of the Fund to employees who are employed by its members; or
- (d) the employer has not submitted an application for COVID-19 benefits prior to the bargaining council or entity signing of a MOA with the UIF.

Amendment to Directive

4. Clause 3 is amended by the addition of a clauses 3.9 and 3.10 after clause 3.8.2(d) as follows:

3.9 An employee may individually apply for COVID-19 benefits if-

3.9.1 the employee meets the requirements of clause 2.1.1 (a) of this Directive;

3.9.2 no bargaining council or entity has concluded a MOA with the UIF in terms of clause 3.8; and

3.9.2 the employee's employer has failed or refused to apply for COVID-19 benefits in terms of clause 3.1.

3.10 This Directive, including any amendments made to it, takes effect from 27 March 2020.