

## 12 STEPS TO COVID-COMPLIANCE, version 2, 27 March 2020

### Do this immediately:

- Step 1.** **Identify which employees are essential** in your health sector business or practice. Essential means truly essential – and one must consider the obligations to exclude or minimise risk to employees. If one can exclude, e.g. by sending staff to work from home, that must be done.
- Step 2.** Ensure that employees in practices (including the practice owner) **carry the permit prescribed by the Regulations** under the Disaster Management Act. A second page explaining a person's role, carrying of stock, etc. is highly recommended. This must include, if applicable, HPCSA / SANC numbers. Company versions must include CIPC (company registration nr) to link to Essential Services Businesses log. Healthcare professionals and entities that **do not trade as companies, do NOT require this permit**.
- Step 3.** **Register your business/practice** at <http://www.bizportal.gov.za> as an essential services/goods. This is to ensure that your business/practice is listed on the Essential Services Business log (referred to in Step 2). Monitor the website throughout and register as soon as the site is open.

### Use these provisions to assist your business/practice and your employees during the COVID-19 phase:

- Step 4.** Tax compliant businesses with a **turnover of less than R50 million** will be allowed to **delay 20% of their pay-as-you-earn liabilities** over the next four months and a portion of their provisional corporate income tax payments without penalties or interest over the next six months.
- Step 5.** **UIF claims:** The National Disaster Benefit can be claimed if during the period of lockdown the business or practice had to close temporarily. Forms UI19, 2.7, 2.1 and 2.8 must be used. Where the employee might have been exposed elsewhere, and should go into quarantine, this would be **special leave**, and UIF would pay on application - employer and employee must submit letter that they have agreed to the 14 day quarantine and special leave.  
Note that UIF benefits in all likelihood will NOT make good the full extent of a person's salary, and may be meagre for some.
- Step 6.** **Compensation Fund Covid-claims** can be submitted, with same forms as usual, but to a dedicated email address: [covid19claims@labour.gov.za](mailto:covid19claims@labour.gov.za) or call 0860 105 350.

### Take note of, and apply where applicable, the following existing conditions and regulations:

- Step 7.** When called upon to assist in the public sector, please ensure that you will be covered by the state (**State Liability Act**) for any possible malpractice allegations. Companies that supply goods may want to enter into **PPPs** with the state.
- Step 8.** It is possible to escape **contractual liability** (e.g. for rental or supplies) if there is a *force majeure* clause in the contract. To rely on such a clause, the party relying on the principle must objectively prove that performance is impossible and that it is not merely difficult or more costly. It is a suspensive condition, only for the duration of the force majeure event.
- Step 9.** **Normal ethical rules** relating to having a patient-focus, apply. **Telemedicine** is now allowed – but ensure you have the correct consent forms and stick to HPCSA's notice in this regard. Confidentiality is limited when medical practitioners have to report Covid cases, as authorised by the Mandatory Notifiable Conditions Regulations of December 2017.
- Step 10.** There are **exemptions from the Competition Act** that allows businesses to coordinate services, supplies and data, without falling foul of competition Act. However, NO price negotiations (e.g. on the telephonic consults) is permitted unless undertaken through Minister of Health. All discussions on coordinated services must be properly minuted and signed.
- Step 11.** Adhere to the **Occupational Health and Safety Act** and identify and eliminate, and where not possible, minimise risk to staff, customers / patients and others. Apart from following general guidelines on social distancing and hygiene, etc. it may be necessary to protect employees by sending them home.
- Step 12.** **Annual and sick leave apply as usual**, you may require non-essential employees to work from home (if possible), go on paid annual leave during this time, or an agreement can be reached on unpaid leave or special leave if employees have to self-quarantine.