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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF LABOUR

NO. R. 486

04 MAY 2020

AMENDED COVID-19 TEMPORARY EMPLOYEE / EMPLOYER RELIEF SCHEME  
(C19 TERS), 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 (s) 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: 16/04/2020

## SCHEDULE

### AMENDMENTS TO THE DIRECTION OF 08 APRIL 2020

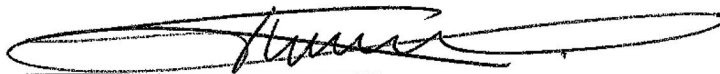
1. Clause 2.1.1(a) is amended as follows -
  - 2.1.1(a) Payment of benefits to Contributors who have lost income or have been required to take annual leave in terms of section 22(10) of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997) due to the Covid-19 pandemic
2. Clause 3.1 of the Directive is amended as follows –
  - 3.1 Subject to clause 3.8.1 and 3.8.2 (c) in view of social distancing and in order to avoid in person individual employee applications at Departmental offices for the Covid-19 benefit during lockdown, should an employer as a result of the Covid-19 pandemic close its operations, or a part of its operations, for a 3 (three) months or lesser period the employer must apply in accordance with clause 5.1 and 5.2 for Covid-19 benefits for and on behalf of its affected employees.
3. The following clauses are inserted after clause 3.8.2 (b) of the Directive –
  - (c) the employer has not submitted an application for COVID 19 benefits to the UIF prior signing of an MOA with UIF.
4. The following clauses 5.4 and 5.5 are added to the Directive -
  - 5.4 An employer, who has required an employee to take annual leave during the period of the lockdown in terms of section 22(1)(b) of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997), may set off any amount received from the UIF in respect of that employee's COVID 19 benefit against the amount paid to the employee in respect of annual leave provided that the employee is credited with the proportionate entitlement to paid annual leave in the future.

5.5 To speed payment of COVID 19 benefits to employees, employers are urged to pay employees based on clause 3.4 of the Directive and reimburse or set off such with COVID 19 benefits claim payments from UIF.

**CORRECTION TO COVID-19 TEMPORARY EMPLOYEE / EMPLOYER RELIEF SCHEME  
(C19 TERS), 2020**

**CORRECTION OF DIRECTIVES 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 correct the Directives that I issued on 8 and 16 April 2020 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:** 20/04/2020

## **SCHEDULE**

### **CORRECTION TO THE DIRECTIVES OF 8 AND 16 APRIL 2020**

1. Clause 2.1.1 (a) is corrected by the deletion of the reference to 'section 22 (10)' and replaced by 'section 20 (10)'.
2. Clause 3.6 is corrected by the deletion of the reference to section '12'.
3. Clause 3.8.2 (ii) is corrected by the deletion of 'and' after the semi-colon and replaced by 'and/or'.
4. Clause 5.4 is corrected by the deletion of the reference to 'section 22 (10)(b)' and replaced by 'section 20(10)(b)'.