

16 July 2020

Dear Valued Member,

UPDATE: DISASTER MANAGEMENT ACT, 2002 - AMENDMENT OF REGULATIONS ISSUED IN TERMS OF SECTION 27(2)

The Department of Cooperative Governance and Traditional Affairs published amendments to the Regulations published under the Disaster Management Act of 2002 on the 12th of July 2020, after the State President's address to the nation. A copy of these regulations is attached to this CoVid-19 Monitor for reference purposes, however we have identified the workplace-related implications herein for ease of reference.

Sub-regulations (1), (2) and (3) of regulation 5 of the Regulations published under the Disaster Management Act of 2002, has been amended to provide for the compulsory wearing of:

- (a) a cloth face mask;
- (b) a homemade item; or
- (c) another appropriate item, that covers the nose and mouth, is mandatory for every person when in a public place.

No person will be allowed to-

- (a) use, operate, perform any service on any form of public transport;
- (b) enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services; or
- (c) be in any public open space, if he or she is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.

An employer must provide every employee with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace, and may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth while performing his or her duties.

This requirement to wear a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth does not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least three meters from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health (to be advised).

Regulation 14 of the Regulations has also been amended by the addition (after sub-regulation (4)) of a provision that a manager or owner of a building, place or premises, including a government building place or premises, used by the public to obtain goods or services, that fails to take reasonable steps to ensure compliance with regulation 5(2)(b) (the wearing of a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. An employer who fails to take reasonable steps to ensure compliance with regulation 5(3)(a) or (b) (wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth) in the workplace, commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

An amendment to Regulation 33 now requires that every person is confined to his or her place of residence from 21:00 until 04:00 daily, except where a person has been granted a permit, which corresponds with Form 2 of Annexure A, to perform a service permitted under Alert Level 3, or is attending to a security or medical emergency. An example of the required permit can be found in the Business Continuity Plan and Risk Adjustment Strategy developed by the RMI and recommended to Members for implementation.

If you have any questions or queries, kindly contact the relevant Associational Director for the association you belong to. Their detail are reflected below.

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