

01 August 2020

EXTENSION OF TEMPORARY RELIEF MEASURES FOR THE DURATION OF THE RISK ADJUSTMENT STRATEGY PERIOD

1. With reference to the industry circular issued on 07 June 2020, the NBCRFLI extended the temporary relief measures to assist the industry employers and employees to minimize the impact of COVID-19 for the duration of the National Lockdown, however the Sick Leave Fund Benefit was omitted.
2. The sick Leave Fund Benefit has now been included starting from paragraph 6 to 10.
3. The temporary relief measures that are extended are as follows:

Holiday Pay Bonus Contributions and Wellness Fund Contributions

4. A company, which is not in operation (wholly or partly) due to the impact of the government lockdown regulations, will not be obliged to pay contributions to the Holiday Pay Bonus Fund. The suspension of Holiday Pay Bonus Contributions is only applicable to employees who are not working during the national lockdown period because of government lockdown regulations. Therefore, Holiday Pay Bonus Contributions will remain for those employees who are working during the national lockdown period and not affected by government national lockdown regulations.
5. Such company, which is not in operation (wholly or partly) due to the impact of the government lockdown regulations will still be required to contribute an amount equivalent to 2% per week of a non-working employee's normal basic weekly wage for the purpose of contribution to Wellness Fund.

6. The employees who are not working during the national lockdown period due to government lockdown regulations should not be replaced by someone else including temporary employees. Should an employee be replaced by someone else including temporary employees during the lockdown period, such conduct will be regarded as non-compliance with the Main Collective Agreement, and as result, affected employee or his representative has a right to report the matter to Council for enforcement.

Sick Leave Fund

7. Where an employee has been quarantined as a result of testing positive for COVID19 or self-isolated as a preventative measure, a company can claim immediately for Sick Leave Fund based on contributions received to date by the NBCRFLI for each employee.
8. Medical certificates are not required to accompany sick leave applications where an employee has been quarantined for 14 days. However, a written confirmation from both employer and employee including electronic communication must be submitted together with sick leave application as proof that both the employer and employee have agreed to the 14 days 'sick leave'.
9. Should an employee be quarantined for more than 14 days, a medical certificate from a medical practitioner must be submitted together with the sick leave application.
10. All documentations must be submitted through the NBCRFLI's online application process.
11. This relief is not applicable to employees employed for less than two months.

Relaxation of Restrictions/Requirements for Occasional Leave

12. The relaxation of restrictions/requirements for occasional leave will only be applicable for the duration of the nation-wide lockdown.

Electronic Exemption Applications

13. A company which is in distress due to not being able to operate (wholly or partly) as a result of the impact of the government lockdown regulations will be allowed to submit an online application for exemption using at this e-mail address: exemptions@nbcfrfi.co.za.
14. A company applying for exemption must be able to demonstrate with supporting documentations that they were not able to operate at all or not at full capacity due to the impact of government lockdown regulations and the Covid-19.
15. A company applying for exemption must serve trade union(s) and its members with electronic exemption application documents even if required consultation with affected employees did not take place because such employees were not at work due to the government lockdown regulations. However, employees who are working during the national lockdown period must be consulted before exemption application is lodged with the Independent Exemption Body.
16. Exemption applications related to the impact of Covid-19 will be prioritised and the Independent Exemption Body will sit on a weekly basis to consider such exemption applications.

Implementation of Short Time

17. Clause 64 of the Main Collective Agreement related to the implementation of short time is extended to the rest of the industry for the duration of the national lockdown provided that:
 - 17.1 Short time is only implemented by an employer who is either not fully operating or partially operating during the national lockdown period due to the impact of COVID-19; and
 - 17.2 No employer is allowed to replace an employee who is not working during the period of the national lockdown because of government lockdown regulations.

18. Should an employee be replaced by someone else including temporary employees during the national lockdown period, such conduct will be regarded as non-compliance with the Main Collective Agreement and as result, affected employee or his representative has a right to report the matter to Council for enforcement.
19. For the purpose of this Circular short time means; “a temporary reduction in the number of ordinary hours of work owing to a shortage of goods to be transported as a result of the economic impact of Covid19”.

Should you require clarity, please contact your local Agent who will be available to assist.

Yours Faithfully

Musa Ndlovu

National Secretary

(This document has been sent electronically and is therefore not signed)