

4 JANUARY 2021

An Employers Guide4

TO THE ADJUSTED LEVEL 3 REGULATIONS



5. CURFEW



ALL PERSONS ARE CONFINED TO THEIR PLACE OF RESIDENCE FROM 21H00 TO 06H00 UNLESS THEY ARE PERMITTED NOT TO DO SO, RESIDE IN A HOTSPOT AREA OR IN THE CASE OF A SECURITY OR MEDICAL EMERGENCY.

5.2 THE FOLLOWING BUSINESSES OR PUBLIC PLACES MUST CLOSE OPERATIONS AT 20H00:



CINEMAS



THEATRES



CASINOS



MUSEUMS.
GALLERIES AND
ARCHIVES



GYMS AND
FITNESS
CENTRES



RESTAURANTS



VENUES
HOSTING
AUCTIONS



VENUES HOSTING
PROFESSIONAL
SPORT

6. OFFENCES AND PENALTIES

6.1 Employers who commit, *inter alia*, the following offences will be liable to a fine or imprisonment not exceeding 6 months, or to both such fine and imprisonment:



Exceeding the customer and/or employee allowance based on their floor plan determination;



The sale, dispensing and distribution of alcohol;



Where applicable, failure to adhere to the curfew of 20h00; and



Adherence to restrictions in relation to limitations pertaining to gatherings.

7. RECOMMENCEMENT OF OPERATIONS IN 2021

7.1 What measures can an employer implement to mitigate the risk of an outbreak of COVID-19 in the workplace once employees return from the holiday period?



An employer may implement the following measures:

- send communication to all employees ahead of the return to work encouraging them to adhere to all health and safety protocols outside the working environment;
- remind employees ahead of the return to work of the mandatory health and safety measures as required by government;
- it is advisable that all employees who visited a hotspot area over the festive period disclose same to the human resources department or the COVID-19 compliance officer;
- it is advisable that all employees returning from holidays in area's identified as hotspots observe the mandatory 10-day quarantine period;
- encourage employees who display any symptoms of COVID-19 to remain at home and, in serious cases, to submit themselves for testing;
- maintain strict screening protocols upon entrance to the workplace in 2021 including enforcing the wearing of masks and the use of hand sanitiser before entering the workplace; and
- ensure that all health and safety measures are strictly adhered to, as many employees may be asymptomatic.

7.2 Can an employer institute a mandatory vaccination policy once a vaccine becomes available?



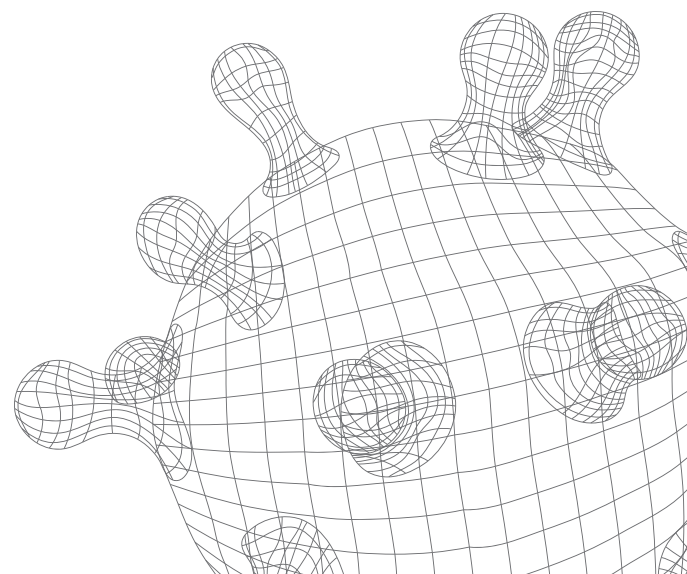
The gist behind mandatory vaccination is that employers have an obligation to protect their employees and maintain a healthy and safe working environment. When considering whether to implement a mandatory vaccination policy employers must have regard to their individual workplaces and assess whether such a policy is in fact necessary taking into account, *inter alia*, the following factors: (i) the viability of continued remote work; (ii) the number of vulnerable employees in the workplace; (iii) the effectiveness of additional PPE where necessary; (iv) temporary alternative placements; (v) the employees exposure to the public and (vi) the number of employees with religious and/or medical grounds for objection.

The requirement for such a policy should be determined on a case-by-case basis and the objections of employees or potential employees must also be duly considered with regard to the requirement to balance various rights. Employers must ensure that their records of infected employees are kept updated as this is a factor to also be taken into account.

DISCLAIMER:

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is an informative guide covering a number of topics, which is being published purely for information purposes and is not intended to provide our readers with legal advice. Our specialist legal guidance should always be sought in relation to any situation. This version of the employers guide reflects our experts' views as of December 2020. It is important to note that this is a developing issue and that our team of specialists will endeavour to provide updated information as and when it becomes effective. Please contact our employment team should you require legal advice amidst the COVID-19 pandemic.



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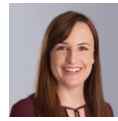
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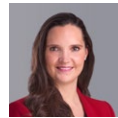
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BBBEE STATUS: LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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