



SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

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To All:

Municipal Managers
HR Directors
Chairpersons and Members: Local Labour Forum
All Employees

CIRCULAR 8/2020

DUTIES AND RESPONSIBILITIES OF MUNICIPALITIES, ALERT LEVEL 3, COVID 19

Background

Following President Ramaphosa's announcement on Sunday, 24 May 2020, Government promulgated, Alert Level 3 Regulations in terms of the Disaster Management Act, on 28 May 2020.

The SALGBC Executive Committee at its meeting held on Friday, 29 May 2020 resolved to issue this Circular, a second circular, to the SALGBC Circular 5/2020 issued on 9 April 2020. Municipalities must comply with Alert Level 3 Regulations.

Below are some of the pertinent issues in the Regulations that require the attention and management thereof, by the Executive Management of your municipality, when managing the return of employees to work.

Travel Permits

Municipalities must issue permits to employees where the employees will be required, when executing work responsibilities or performing a permitted service, to travel between provinces, metropolitan areas, districts and 'hotspots'.

Social Distancing

Municipalities must endeavour to minimize the number of employees in the workplace or depots by achieving social distancing. The municipality must consider ways to achieve the social distancing, but not limited to the following, possible measures:

- Rotation of employees.
- Staggered working hours.
- Shift systems.
- Remote working arrangements and similar measures
- Any other suitable arrangements such as reducing the number of employees sharing common facilities such as showers, number of employees travelling in a municipal vehicle etc.

The category of municipality, type of services rendered, and employment size are some factors to be considered when deciding the appropriate measures.

Compliance Officers

The municipality must appoint a Compliance Officer who must oversee the implementation of the employer's workplace plan and compliance to the health requirements relating to COVID-19 in the workplace or depots.

Workplace Plan

All municipalities must prepare a workplace plan, dealing with the following issues:

- Employees permitted to work
- Plans for the phased-in return of their employees to the workplace
- Health protocols to protect employees from COVID-19
- Details of the COVID-19 compliance officer.

The municipality is required to adopt a workplace plan setting out the following, as per Annexure E, of the Regulations:

- Date the municipality will open.
- Hours of operating.
- Timetable for the phased return to work of employees.
- Steps taken to make the workplace or depots COVID-19 ready.
- List of staff who can work from home especially those who are over 60 years, and those who have underlying illnesses (i.e. comorbidities).
- Arrangements for staff relating to social distancing, screening, attendance record system.
- Arrangements for ratepayers, customers or public when interacting or interfacing with employees.

It is recommended that the workplace plan be discussed at the Local Labour Forum including the social distancing measures required at the workplaces and the checklist of issues as identified below.

Establish the Basic Conditions Committee

Clause 11.8.4.2.3 of the Main Collective Agreement provides for a “Basic Conditions Committee, which shall deal with any matters relating to working conditions arrangement of working hours and health and safety proposals”

This is a sub-committee of the LLF, which should be convened to consider the COVID 19 measures or issues affecting the employees.

Whilst the MCA refers to health and safety proposals, this should not be construed to mean that new proposals must be introduced to replace the legislative requirements issued by Government. The legislation must be complied with.

Health Protocols

Municipalities must develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees, and social distancing measures between members of the public and employees.

All the relevant health protocols and social distancing measures set out in the applicable Directives must be complied with such as the Occupational Health and Safety Directive issued by the Minister of Employment and Labour (the “OHS Directive”), dated 29 April 2020.

It is expected that the Minister of the Department of Employment and Labour will publish a more up to date Directions, in respect of the Level 3 Regulations, which must be adhered to, once issued.

Employees over 60 years of age and employees with co-morbidities

Municipalities must implement special measures for employees who are over 60 years and those with co-morbidities, to facilitate their safe return to work. If practically possible these employees should continue to work from home.

Inclusion of SAMWU and IMATU in the Joint Operation Centre of a Municipality

The parties at Central Council level have agreed that the Municipality must include the SAMWU and IMATU senior leadership in the joint operation centre of the municipality, so that an inclusive co-determined approach is achieved in fighting and mitigating the spread of the virus amongst employees and their communities.



Reporting

It is critical for the executive management to keep accurate records or data, to manage COVID 19 at your municipality, which information can be shared with internal and external stakeholders.

The municipality must keep the following information:

- Total number of employees in the municipality, per directorate or department (as per the municipality organogram)
- Number of employees and percentages (%) who worked during level 5.
- Number of employees and percentages (%) who worked during level 4.
- Number of employees and percentages (%) who returned to work under level 3, as per the workplace plan above
- How many employees have tested positive for COVID 19
- How many employees have died as result of COVID 19

The above information must be submitted as a regular report and item to the local labour forum meeting; and the report must be copied by e-mail to :

- SALGA : zndlala@salga.org.za
- SAMWU : covid19@samwu.org.za
- IMATU : willem@imatu.co.za
- SALGBC: covid19@salgbc.org.za

The report should be submitted by not later than 25th of each month.

Checklist

Has the municipality:

- Decontaminated the workplaces or depots been before allowing employees to return to work.
- Conducted the risk assessment across all workplaces and depots.
- Got the right products such as the correct alcohol level-based sanitizers per the Department of Health Directions.
- Trained the staff, conducted education and awareness.
- Issued correct standard PPE to the various category of employees.
- Introduced adequate social distancing measures.
- Provided adequate temperature testing protocols or provided sufficient temperature tests for visitors and public and employees.
- Established adequate support systems in place such as quarantine places or reporting mechanisms for employees to report cases etc.
- Established a Health and Safety Committee.



Whilst every effort has been made to ensure the correctness of this circular in terms of the Regulations, this circular is not intended to replace the Regulations. The municipality must ultimately rely on the Regulations or relevant Directions for a correct interpretation or application of the relevant Regulations or Directions.

Yours faithfully

5/0-16

SS GOVENDER
GENERAL SECRETARY