

# SEIFSA NEWS



MAY / JUNE 2020

MANAGING SICK LEAVE,  
ABSENTEEISM AND  
QUARANTINING  
DURING THE COVID-19 PANDEMIC

**INSIDE:**

**DEFY Supports Our  
Local Healthcare Heroes**

**ATLAS COPCO APPOINTS WENDY  
BUFFA PACE MANAGING DIRECTOR**

**THE LINK BETWEEN VARIOUS PIECES OF  
LEGISLATION AND SKILLS DEVELOPMENT**





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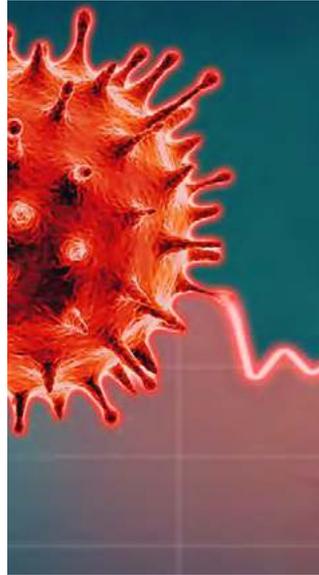
ATLAS COPCO APPOINTS WENDY  
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LEGISLATION AND SKILLS DEVELOPMENT

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May / June 2020

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# CHIEF EXECUTIVE OFFICER'S DESK

The CoronaVirus Disease 2019 (COVID-19), which first broke out in Wuhan, China in November/December last year, has wreaked havoc in the world's economy – and it appears that it is not yet done. Among the countries affected have been the largest and wealthiest to the smallest and poorest, with their economies all stretched to different levels.

Although we have lived through the HIV-AIDS epidemic, which was given free reign in this country to cause maximum devastation and claim thousands of lives which could have been saved, thanks to the callous policies of the administration in charge at the time, we have not had to live with as much fear as we do now. We knew then how to avoid contracting the HI Virus, but we don't know how to avoid exposure to COVID-19. We have been told what to do to reduce or minimise the chances of contracting it, but nobody can say with certainty that s/he will not contract it.

The South African economy, which was already in trouble before the first case of COVID-19 infection was reported in the country, having shrunk

considerably in Q4 last year because of Eskom's load shedding which went up to an unprecedented level 6, has taken a massive hammering since then. With the economy shut down in April, with the exception of essential services, and with a limited return to work in May under lockdown level four, there is no doubt that both Q1 and Q2 2020 will also record significant negative growth levels. Indeed, we are certain to experience a massive deficit in our Gross Domestic Product for the year.

We will not be alone. Many other countries across the globe are set to have similar experiences. That means that we are heading for a global recession. That is deeply worrying, given the degree of the world's interconnectedness today, something which, although a great positive, is also the reason why COVID-19 has travelled seamlessly from China to different parts of the world.

We have been lucky to have real leadership provided at Government level since the advent of the COVID-19 pandemic. Although the number of people who have been critical of him and the Government has been rising steadily in recent weeks, there is absolutely no doubt that President Cyril Ramaphosa has risen to the challenge and offered felt – and even visible – leadership during this crisis. This has contrasted sharply with his apparent reluctance, until then, to take tough decisions which had the potential to upset some of his supporters within the ANC-led alliance.

South Africa's handling of the CoronaVirus pandemic has compared favourably with the way that other countries have reacted to it. While there have since been various controversies raging about some of the regulations that have been put in place by the Government, through the National COVID-19 Command Council (NCCC) that is chaired by the President, I can hardly recall a discordant voice which greeted the decision to place the country in a comprehensive lockdown with effect from 26 March.

As I recall, that decision to place South Africa in a complete lockdown for the initial 15 days was met with praise from all quarters. Discordant voices started to emerge when President Ramaphosa announced an extension of that level-5 lockdown until the end of April. At first it was the tobacco lobby that shouted the loudest, and others joined the chorus in the days



and weeks that followed. That chorus became deafening after the Government decided to move the country to a level-4 lockdown, with some of the tough regulations remaining.

Understandably, business and other economic actors have been impatient with the Government and very eager for the lockdown to be lifted either in full or at a much quicker pace. There can be no gainsaying that, necessary though it was, the lockdown has worsened South Africa's economic malaise. That is why there is a lot of merit in the calls for the lockdown to be relaxed or even lifted.

However, this is one time when it cannot be easy to be in the shoes of Ramaphosa and his Cabinet colleagues. Unlike the official opposition, which can shout from the mountain top about the need for the lockdown to be lifted pronto, without any conditions, President Ramaphosa and the Government have to walk a very delicate tight rope. They have to worry about the effects of the lockdown on the economy, but they must also think of the number of lives which stand to be lost were they to act too hastily.

Of necessity, theirs has to be a delicate balancing act. Even as they worry about the economy, they must also ensure that they are not reckless with the lives of South Africans, especially the poorest in our ranks. It is very easy for people sitting comfortably in their suburban homes and mansions to be impatient with the Government and to call on Pretoria to lift the lockdown overnight. After all, they have no problem with over-crowding and can isolate themselves easily, should self-quarantine be necessary at some stage, and will have ready access to some of the best health care that this country's private sector can offer.

When one is accustomed to such comfort (which continues to be an undreamt-of luxury to the majority of our compatriots), it is easy to be selfish in one's outlook. It is easy to care only about the daily losses suffered by the economy and everybody within it, without thinking too much about the lives which stand to be lost if COVID-19 is given space to spread like wild fire.

In a country such as ours, with its ugly past of apartheid, sensitivity is of the utmost importance. Yes, the economy has taken a hammering and steps need to be taken swiftly to open

the country up for business and to stimulate the moribund economy, but that must not be seen to be done at the expense of fellow compatriots, especially those without the ability to wash and sanitise their hands on a regular basis throughout the day and to change protective masks every day. Logically, that leaves the Government in a position where it has to take calculated risks to open up the economy while also ensuring that COVID-19 is not given free reign.

As many non-partisan compatriots will agree, the Government has done phenomenally well since the advent of the CoronaVirus, notwithstanding some missteps along the way and some over-the-top actions and regulations by some excitable and gung-ho Cabinet Ministers. Over the past two months,

Ramaphosa and his Government have given real leadership to the country, and for that they have to be commended. Some people may have disagreed with them on some regulations or may have been unhappy with some of their decisions and the pace at which they have moved on some issues, but there can be no gainsaying the fact that they have offered real leadership, something which has been in short supply in our country in the preceding months.

They can never take decisions that will be universally popular. Not only is it impossible to please everybody, but leadership, by its very nature, is not a popularity contest. The important thing is that they have risen to the challenge, taken important decisions which may have been unpopular in certain quarters and have been able to explain the basis on which they have done so. Long may that continue to be the case.

More importantly, in his last address to the nation, Ramaphosa also had the humility to acknowledge that there may have been some missteps along the way and to apologize for that. Personally, I can ask for no more than that. I can only wish them well as they continue to deal with a very difficult, unprecedented challenge. They can do with our support, rather than the deafening chorus from the whingers. ■

*Kaizer M. Nyatumba  
Chief Executive Officer*

When one is accustomed to such comfort (which continues to be an undreamt-of luxury to the majority of our compatriots), it is easy to be selfish in one's outlook. It is easy to care only about the daily losses suffered by the economy and everybody within it, without thinking too much about the lives which stand to be lost if COVID-19 is given space to spread like wild fire.



## MANAGING SICK LEAVE, ABSENTEEISM AND QUARANTINING DURING THE COVID-19 PANDEMIC

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There is the strong possibility that companies will be faced with increasing demands around sick leave and quarantining in the weeks and months ahead due to the Covid-19 pandemic and it is vitally important that companies are adequately equipped to manage these demands properly.

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**P**resident Cyril Ramaphosa has announced that most of South Africa will move to level 3 lockdown by the end of May. The President added that government will introduce new regulations, in the coming days, to relax level 4 restrictions in areas such as business, exercise and e-commerce.

The President said that the country is ready to move to a new phase. "We are now preparing for a further easing of the lockdown. We will, therefore, proceed to move cautiously. Our goal is to steadily increase economic activity," he said. He admitted that implementation around coronavirus related laws has, at times, been slow, and enforcement inconsistent and harsh.

"Some of the actions we have taken have been unclear, some have been contradictory and some have been poorly explained. Implementation has sometimes been slow and enforcement has sometimes been inconsistent and too harsh. "We are committed to ensure that all decisions are rational and reasonable," the President said, and he pledged to uphold people's rights.

He also warned that the transition to the next phase of the coronavirus response will, in many ways, be more difficult than the present one. The risk of infection outbreaks could increase as more people return to work, he said.

There is the likelihood that people and your employees become infected with Covid-19, which means that businesses will have more challenges when it comes to managing sick leave, absenteeism and quarantining. Some employees may test positive, some may have already tested positive, others might simply show symptoms.

An important question is - are they entitled to paid sick leave, UIF illness benefits or Compensation Fund benefits?

## SICK LEAVE

According to the Health and Safety directive issued on 28 April 2020 (the 'H&S directive'), an employee must be placed on sick leave in terms of section 22 of the Basic Conditions of Employment Act (BCEA) or section 34 of the Main Agreement, if:

- The employee presents with symptoms of COVID-19; or
- The employee advises the employer of those symptoms.

The employer must ensure that the worker is tested or referred to an identified testing site.

## SICK LEAVE, UIF ILLNESS BENEFITS, SICK PAY FUND AND QUARANTINE

The H&S directive states that if the employee's sick leave has been exhausted, the employee may claim UIF 'illness benefits' in terms of the COVID-19 TERS directive issued on 25 March 2020 (clause 4). UIF illness benefits in terms of the COVID-19 TERS directive were initially intended for a 14-day period of agreed self-quarantine as a precautionary measure. This includes situations where an employee is asymptomatic (the employee may have been in contact with others who have tested positive for COVID14).

Importantly, the COVID-19 TERS directive now allows for the 14-day quarantine period to be extended, provided that a medical certificate and 'a continuation form for payment' are submitted to the UIF.

The H&S directive takes the granting of illness benefits a step further, by making allowance for employees to be paid 'illness benefits' once their sick leave has been exhausted.

## WHEN CAN ONE ACCESS THE UIF ILLNESS BENEFITS?

- (a) As a general precautionary measure, to minimize infections, this is in accordance with the initial intention of COVID-19 TERS, where one self-quarantines, and
- (b) Once sick leave has been exhausted, as envisaged by the H&S directive.

Of significance is the industry's Sick Pay Fund. This can be utilized once the employee has used up their sick leave days. The SPF pays out an additional 30 weeks' pay at 50%.

To note, if an employee is sick on days that they should be working, then they are entitled to use their sick leave benefit. Sick leave is used because one is sick. Considering how contagious and possibly dangerous COVID19 is, if an employee displays symptoms, or comes into contact with someone who has COVID19, they would need to be tested and a doctor would book the employee off for a period of 14 days. This is then regarded as sick leave. After 14 days, they would need to be tested again to ensure that they are now uninfected, fit and healthy and able to return to work.

The Main Agreement in section 34 states that if someone falls sick on days that they would not be working because of a lay-off or short-time then they would not receive the sick leave benefit, this same principle will apply where there is a lock-down or partial lock-down in place and the employee is not working on certain days.

The BCEA in section 22 (5)(a), and the Main Agreement in section 34, states, that when an employee takes sick leave, the employer must pay the employee the ordinary wage they would receive for work on that day, this excludes overtime and shift allowances. In a lock-down, whether full or partial, if the employee is not allowed to work, they then would not be receiving wages for that day. Therefore, there is no requirement to pay sick leave.

## PROOF OF ILLNESS – MEDICAL CERTIFICATES

To minimize the potential for sick leave abuse, the employer is allowed to manage the matter and ensure that the sick leave is being used for the correct purpose. Companies would, therefore, manage sick leave and require the proof and evidence as they would normally. The company is, therefore, entitled to require proof of illness in terms of section 23 of the BCEA and section 34 of the Main Agreement, which will be a medical certificate from a medical practitioner who is registered with a medical council established by an Act passed in parliament and who is certified to treat and diagnose.

The employee will ultimately either be diagnosed as having contracted COVID-19, or not. If not, it may very well be that the employee contracted a different disease, e.g. a common cold or influenza virus. Either way, if the employee produces a valid medical certificate the employer will be obliged to pay if the employee has sick leave available to him or her, unless it is covered by the illness benefit in terms of clause 4 of the Covid-19 TERS directive.

## RETURNING TO WORK

An employee who has been diagnosed with COVID-19 must be isolated in accordance with the Department of Health Guidelines. The employer may only allow the employee to return to work once the worker has undergone a medical evaluation confirming that the worker has been tested negative for COVID-19.

Where an employee has got symptoms that could be linked to COVID-19, but has subsequently tested negative, it would be prudent for the employer to insist on a medical certificate that confirms that the employee is fit to return to work.

The H&S directive does not specify the period of time that the employee must stay away from work. It will differ from case to case. Where recovery is slow an employee may be absent for an extensive period.

## MANAGING COVID-19 - QUARANTINING: LET US CONSIDER VARIOUS SCENARIOS AND GIVE CONSIDERATION TO THE MAIN AGREEMENT AND THE BCEA:

**Scenario 1:** If a medical doctor places an employee in quarantine, the employee needs a medical certificate, then the employee is entitled to sick leave, or the UIF quarantining benefit that is paid out to employees.

**Scenario 2:** The employer enforces compulsory quarantine on one or more employees. The employee will not be on sick leave unless a medical certificate has been issued, and this would normally be paid time off, however one would make use of the UIF quarantining benefit that is paid out to employees.

Advice is that the quarantining period must be long enough for the incubation period of the virus, which could be up to seven days and thereafter for the employee to be tested, this would take another three days before the employee gets the result. The employees would only return to work after this and after being tested negative.

To note for employees covered by the Main Agreement, there are the short-time and the lay-off provisions in section 7 and Annexure A respectively, by mutual agreement annual leave may be used.

**Scenario 3:** The employer sends some or many employees home, because someone tested positive, or many have been in contact with someone who has tested positive. Health and safety legislation require that companies take all reasonable and practicable steps to ensure the health and safety of its employees, and one would make use of the UIF quarantining benefit that is paid out to employees. Advice is that the quarantining period must be long enough for the incubation period of the virus, which could be up to seven days, and thereafter for the employee to be tested, this would take another three days before the employee gets the result. The employees would only return to work after this and after being tested negative.

To note for employees covered by the Main Agreement, there are the short-time and the lay-off provisions in section 7 and Annexure A respectively, by mutual agreement annual leave may be used. For employees who are quarantined and not sick one can consider having the employees work from home and they would receive normal pay. Any other suitable and mutually agreed arrangement can be entered into, like taking annual leave or an advance on leave to be paid back, or some form of 'special leave'. Any 'special leave' given by the employer is at the employers discretion, as there is no legislation obligating the employer to make 'special leave provisions', and whether that is an advance to be paid back will form part of the agreement.

**Scenario 4:** Where there is a self-imposed quarantine by an employee, then it would be unpaid, unless the employee claims sick leave and provides a sick note as required. Again, one can attempt to make use of the UIF quarantining benefit.

There is the possibility that if employees are forced to take unpaid leave or annual leave in these circumstances, they may opt not to self-quarantine. Therefore, it is recommended that the company consider initiatives to encourage employees to come forward and not hide any infection that they may have. These initiatives could be special paid leave, working from home, which will allow employees to be paid, or any other workable arrangements which will be mutually beneficial, such as being able to catch time up and thereby not lose pay. And, of course to claim the UIF quarantining benefit.

## WHAT HAPPENS AFTER THE QUARANTINE PERIOD?

After the quarantine period and even if an employee does not display any symptoms, the employer may nevertheless require the employee to be tested by a medical practitioner and to provide the employer with a medical certificate confirming that the employee can return to work.

## WHAT IS A REASONABLE PERIOD OF QUARANTINE?

The World Health Organisation has indicated that a person should be in quarantine for a period of, at least, 14 days. Advice received is that the incubation period of the virus is seven days, so one should wait seven days before being tested. Once one has been tested it may take a few days (three days) before one gets the results. So one would only be able to return to work if they test negative and this could take 11 to 14 days.

## WHAT IF AN EMPLOYEE CONTRACTS COVID-19?

In such an instance, the employer should apply its sick leave policy to such an employee. The employee must obtain a medical certificate and any time out of the office will be considered as sick leave. Once the sick leave has been used up and there is none left, then one can claim the UIF quarantining benefit.

Due to the nature of the illness, an employee with Covid-19 should not be permitted to return to work until that employee is cleared to do so by a medical practitioner.

## IF INFECTIONS INCREASE

If the illness spreads across South Africa, the reality for employers is that employees may request to be placed in quarantine to minimise their risk of infection. In this instance, the employer will need to consider implementing remote working for employees who can work from home, and other initiatives that are mutually beneficial, some examples of which are:

- one can consider working from home,
- working at an alternative site,
- working a skeleton staff on site in a strictly regulated environment to protect against infections taking place,
- working skeleton staff on a multiple shift system, to ensure minimum personnel are on site at any given time, with sterilization taking place, or
- any suitable and mutually agreed arrangement, like annual leave or 'special leave'. Any 'special leave' given by the employer is at the employers' discretion, as there is no legislation obligating the employer to make 'special leave provisions', and
- any benefit that one can obtain such as the UIF TERS benefits.

**Managing Covid-19 - Quarantine and the Main Agreement's short-time and lay-off provisions:**

## SHORT-TIME – SECTION 7 OF THE MAIN AGREEMENT

An employer may implement short-time (Section 7, Main Agreement), to enable social distancing and / or to compensate for the economic effects of COVID-19.

The short-time provisions do require that management spread the available work among employees as far as is

practicable. However, it must be noted that short-time can be implemented in such a way that only some employees are affected and others not, or that some employees are more affected than others.

The Main Agreement in section 7 says that one can implement short-time due to, “Justifiable contingencies and/or unforeseen contingencies and/or circumstances beyond the control of the employer”. Contingencies are also defined as emergencies, and certainly COVID-19 and the possible negative economic impact are emergencies and contingencies. How short can the short-time be? The Main Agreement allows short-time to be as short as four consecutive hours in a week, and the employer would be required to pay the four hours.

Employers in a state of emergency may, therefore, implement short-time, whether it be to enforce a quarantine and send employees home, or to implement skeleton shifts, where you would have only a portion of the employees working on certain days and the rest would be off. One can also consider having split shifts in any one day.

Please note! – new UIF benefits to compensate for reduced pay due to short-time, lay-offs or for being quarantined. If employees end up getting less than the UIF benefit that they would get if they were unemployed, the UIF will top up an employees’ pay so that they can get the same financial benefit as if they were unemployed.

## LAY-OFFS – ANNEXURE A OF THE MAIN AGREEMENT

An employer may also consider implementing Lay-offs (Section 4, Annexure A, Main Agreement) to either manage the economic effects of COVID-19, or to ensure safe practices such as quarantining and social distancing.

Lay-off is a temporary suspension of employment without pay for a minimum of five clear working days due to a reduction of work or due to other economic circumstances at an establishment or section thereof. The lay-off may not continue for more than eight weeks, unless agreed upon. The employer must give notice, which must reach stakeholders 14 days before intended lay-off is to begin. If pressed for time and urgent relief is sought, lay-offs may not be the best procedure to follow, because of the 14 day notice period. One could however implement short-time first and then submit the lay-off notice, with the intention to proceed on to a lay-off.

## WORKING IN-TIME ARRANGEMENTS – SECTION 38 OF THE MAIN AGREEMENT

Companies can also consider an arrangement with the employees to work in lost time so that employees can catch up

the hours and pay that have been lost. This will also allow the employer to catch up on lost production. It can be agreed that the hours that are being caught up are paid at normal time, this would also assist employers in minimising overtime pay.

## COIDA AND SICK LEAVE

Where there is evidence that an employee has contracted COVID-19 as a result of occupational exposure, the employer must lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (COIDA). This is in accordance with a notice published in the Government Gazette on 23 March 2020 (the ‘COIDA notice’).

In terms of the COIDA notice, payment for total temporary disablement will be made by the Compensation Fund for as long as the disablement continues (i.e. as long as the employee is booked off), but not for a period exceeding 30 days.

In suspected or unconfirmed cases (i.e. where there is no positive diagnosis), a medical practitioner may recommend self-quarantine. According to the COIDA notice the employer is responsible for remunerating the employee in these circumstances.

In our view the employer’s obligation to pay is based on the assumption that the employee has sick leave available to him or her. To the extent that it is not, UIF illness benefits in terms of the COVID-19 TERS directive are accessible to the employee.

## MITIGATING THE RISK

From the above it would appear that employers may be faced by a significant sick leave burden.

Implementing the precautionary measures prescribed by the Health and Safety directive (published in the GG on 29 April) should go a long way towards mitigating the risk.

A further mitigating measure (not specifically prescribed) would be for the employer to require of employees to immediately disclose to the employer if they have had contact with any persons who have tested positive for COVID-19. Where an asymptomatic employee has had such close contact, the employee can go into self-quarantine as a precautionary measure. The employee can then claim ‘illness benefits’ in terms of COVID-19 TERS directive. This would shift the financial burden, at least for the period of self-quarantine, to the UIF.

## SUMMARY OF THE COVID 19 DIRECTION ON HEALTH AND SAFETY IN THE WORKPLACE

The Minister of Employment and Labour has issued a Direction setting out the measures that employers are required to take to prevent the transmission of COVID19 in workplaces.

The Direction applies to all workplaces covered by the Occupational Health and Safety Act, 1993 (OHSA). It does not apply to healthcare facilities, which are regulated by a Direction issued by the Minister of Health.

The Direction contains the basic measures that employers must take to prevent the transmission of the SARS-CoV-2 virus in the workplace.

Businesses that are re-opening must put these measures in place before restarting work. A risk assessment must be undertaken to adapt the provisions of the Direction to the requirements of individual workplaces.

The Direction does not reduce the existing obligations on employers in terms of the Occupational Health and Safety Act, 1993.

Employers must take measures to protect the health and safety of everyone in their workplace. This includes employees of contractors, self-employed persons and volunteers.

## ADMINISTRATIVE MEASURES

Every employer must:

notify workers of the Direction and how it will implement it;

inform employees that if they have COVID 19 symptoms they must not be at work and grant paid sick leave;

appoint a manager to address the concerns of employees and consult with workplace representatives;

take measures to minimise the contact between workers and between workers and the public to prevent transmission;

minimise the number of workers in the workplace at any time through shift or working arrangements to achieve social distancing;

provide employees with information concerning COVID 19 and how to prevent its transmission;

report any diagnosis of COVID 19 at work to the Department of Health and the Department of Employment and Labour; investigate the cause and take appropriate measures; and

support any contact tracing measures by the Department of Health.



Businesses that are re-opening must put these measures in place before restarting work. A risk assessment must be undertaken to adapt the provisions of the Direction to the requirements of individual workplaces.



## SOCIAL DISTANCING

Workplaces must be arranged to ensure a minimum of 1½ meters between workers. If this is not practicable, physical barriers must be erected and workers must be supplied free of charge with appropriate Personal Protective Equipment (PPE).

Social distancing must be implemented in all common areas in and around the workplace to prevent crowding.

## SYMPTOM SCREENING

Employers must screen workers for symptoms of COVID 19. Workers with symptoms must be placed in isolation and arrangements made for their safe transport for a medical examination, testing and/or for self-isolation.

Employees who recover from COVID19 may return to work after a medical evaluation and be subject to ongoing monitoring.

## SANITISERS AND DISINFECTANTS

### Employers must:

- provide sufficient quantities of hand sanitiser with at least 70% alcohol content;
- ensure that work surfaces, equipment and common areas such as toilets, door handles and shared equipment are regularly cleaned and disinfected; and
- provide adequate facilities for hand washing with soap and clean water and sufficient paper towels.

## MASKS AND PPE

Workers must wear masks at work. Employers must also require members of the public entering workplaces to wear masks. Employers must provide each employee free of charge with, at least, two masks to wear while at work or commuting. There must be suitable arrangements for washing and drying masks.

Where a risk assessment indicates, workers must be provided with PPE to provide a greater level of protection. Employers must keep up to date with recommendations from agencies such as the National Institute for Communicable diseases and the National Institute for Occupational Health on the appropriate steps to take to prevent transmission in their workplaces and the provision of PPE.

## VENTILATION

Every workplace must be well ventilated to reduce the viral load.

## SMALL BUSINESS

The Direction sets out the obligations of businesses with less than 10 employees

## ENFORCEMENT

Labour inspectors are empowered to promote, monitor and enforce compliance with the Direction. Employers who do not comply with the Direction may be ordered to close their business. In addition, as the failure to comply fully with OHSA is a criminal offence, failure to take the necessary measures to prevent the transmission of COVID 19 may result in criminal prosecutions.

## CONCLUSION AND ASSISTANCE

Please do not hesitate to contact SEIFSA's IR and Legal Division, who can advise and assist on these matters. This assistance could also involve consultation meetings as well as on-line training



Employers must provide each employee, free of charge with, at least, two masks to wear while at work or commuting.

SEIFSA has informative workshops that provide vital assistance to management on issues such as:

## WORKSHOP 1. COVID19 – NEW RULES FOR MANAGING ABSENTEEISM AND SICK LEAVE

- How to manage sick leave utilisation / abuse and absenteeism, while giving consideration to partial lockdowns and quarantining.
- Sick leave, UIF Illness benefits, Sick Pay Fund and quarantine
- Steps to take to reduce absenteeism, poor time-keeping and sick leave abuse and over use.
- Do you need to recognise traditional healers?
- What constitutes a valid sick note and when can I insist upon one?
- What if infections increase – managing COVID19
- COIDA and sick leave – due to COVID19
- What disciplinary action can be taken to deal with unauthorised absence?
- What constitutes authorised versus unauthorised absence?
- How does unauthorised absence affect the leave and leave enhancement pay?
- This workshop will provide you with guidelines to effectively manage these issues on a daily basis.

## WORKSHOP 2. RETRENCHMENTS, SHORT-TIME AND LAY-OFFS – IN THE TIME OF COVID-19 AND LOCKDOWNS

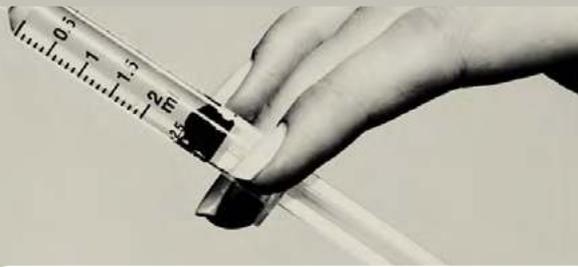
Keeping it simple -> the Do's and Don'ts

### SHORT-TIME

- Applying short-time effectively, fairly and expeditiously in these times.
- The notification: contents, time period, consultation requirement.
- How short can short-time be, how long can you implement short-time for?
- Do you have to have an agreement before you implement short-time?
- Can you have overtime and short-time running con-currently?
- What happens if work suddenly picks up, or decreases further?
- If workers arrive at work and due to circumstances beyond your control cannot work, what can you do?
- What happens if public holidays or sick leave is claimed during a period of short-time?

### LAY-OFFS AND RETRENCHMENTS

- Lay-offs an alternative to retrenchments,
- The notification: contents, time period, consultation requirement
- How short can lay-off be, how long can you implement a lay-off for?
- Do you have to have an agreement before you implement a lay-off?
- What happens if work suddenly picks up, or decreases further?
- Can some employees be on a lay-off and others still work?
- Small scale or large scale retrenchments, what's the difference?
- The notification and the consultation process – the do's and don'ts.
- The selection criteria – who is selected for retrenchment – keeping it fair and objective.
- The bumping principle.
- Alternatives to forced retrenchments.○ Severance pay – what must be paid out.
- Can you use Labour Brokers and Limited Duration Contracts during short-time, lay-offs and retrenchments.
- The Training Lay-off scheme
- The retrenchment assistance programme. ■



# PAYMENT HOLIDAYS FOR SMEs EXPLAINED

by Hanno Bekker

**W**e can be proud of how South Africa is handling the COVID19 pandemic and we can commend the offering of payment relief that financial institutions are extending to small and medium enterprises (SME's) during this critical time.

However, I would like to highlight that the payment holidays are not without consequences. During these uncertain times, we must understand what economic interventions such as payment holidays entail and how they are going to unfold so that we may be prepared and prevent unnecessary future economic strain in the post-pandemic world.

We know by now that the Covid-19 virus will have a substantial impact on our economy as we see lockdown periods extended, many of us are wondering what our obligations and responsibilities are

To make it through this pandemic and to prevent total economic collapse, regular South African consumers must continue to make their payments to businesses. SME's are the heart of our economy and employ millions of South Africans who still need salaries.

Since 1 April until 30 of June 2020, the payment holiday will suspend your legal obligation to meet your full monthly bank repayment. However, it does not stop the loan from incurring interest or bank charges.

In other words, you are still expected to pay the fees and interest incurred on your loan for these three months, after the lockdown is over.

Essentially a payment holiday is a show of good faith from the bank saying that they will not act against you for not paying.

As an SME you must meet the following criteria to qualify for a payment holiday:

- Your business must be based in South Africa
- The annual turnover of your business must be less than 20 million rand
- Your accounts and tax must be paid up to date including payments for March
- Your business must be in good standing with the bank
- The payment holiday does not include payments on which your business has already fallen behind.

We strongly recommend to all SME's who can afford it to avoid making use of the payment holidays. The long-term effect of paying interest on the increased amount after the three-month holiday can have a severe impact on your business' future cash-flow. If there is no alternative, then you should use it, but be aware of the implications.

Businesses can mitigate the economic impact of Covid-19 by taking their business digital wherever possible and maintain contact with their customer base. Rerouting all communication to cell phone lines, video-conferencing and email and transitioning into the e-commerce space can aid in stabilising some of a business' income and allow entrepreneurs to continue to do business to a certain extent.

In instances where business owners decide that they are not going to pay their employees or suppliers, the Financial and Legal Research Group are available to advise you at no cost and when needed.

Hanno Bekker is the Founding Director of the Financial and Legal Research Group

**Contact Financial and Legal Research Group at [info@flrg.co.za](mailto:info@flrg.co.za) – their team will contact you for a free telephonic consultation. ■**

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# ENTRY DEADLINE FOR SEIFSA AWARDS FOR EXCELLENCE EXTENDED

owing to the Covid-19 pandemic, the Steel and Engineering Industries Federation of Southern Africa (SEIFSA) has moved its 6th Annual Excellence Awards ceremony from 28 May to 23 July.

The postponement of the ceremony has also resulted in SEIFSA extending the deadline for the submission of entries to 10 July.

“We realise that our sector has been adversely affected by the Covid-19 pandemic and that companies are currently trying to navigate their way through the tough economic conditions. It is because of this reason that we have decided to give them more time to prepare and submit their entries,” CEO Kaizer Nyatumba said.

Manufacturers operating in the metals and engineering sector now have two more months to submit their entries for the seven SEIFSA Awards for Excellence categories.

Now in their 6th year of existence, the SEIFSA Awards for Excellence were born out of the need to celebrate excellence in the metals and engineering sector at a time when tough economic conditions make it difficult to compete, let alone excel.

Mr Nyatumba said SEIFSA will present the:

- The Most Innovative Company of the Year Award to an organisation that has shown the best level of innovation in research and development or production;
- The Most Transformed Company of the Year Award will be received by a company that recorded the highest transformation level in ownership as well as the composition of its Board of Directors, Executive Management and Managerial Team. This category pits companies employing fewer than 100 people against those of similar size, and companies employing more than 100 people against others of similar size;
- The Health and Safety Award of the Year will be offered to

a company with the best legal compliance record in Health and Safety or the lowest Lost-Time Injury Frequency rate between July 2018 and December 2019;

- The Artisan Development Award will go to the company that trained the highest number of artisans between July 2018 and December 2019;
- The Environmental Stewardship Award will go to a company that has successfully implemented greening initiatives in its day-to-day business operations during the period under review.

- The Customer Service Award of the Year will be presented to a company rated the highest in customer service performance during the period July 2018 – December 2019.

- Entries are also invited from companies whose Corporate Social Investment (CSI) programme/s between July 2018 and December 2019 had a major impact on the lives of their beneficiaries.

Entries are open to members of Associations federated to SEIFSA as well non-members.

Awards entrants will be assessed on their performance in the period 1 July 2018 to 31 December 2019. He said entries are open to members of Associations federated to SEIFSA as well non-members. ■



**SEIFSA  
AWARDS for  
EXCELLENCE  
2020**



## BRICS MANUFACTURING CONFERENCE NOW SCHEDULED FOR 6 AUGUST

The inaugural, one-day BRICS Manufacturing Conference, which was scheduled to take place in Johannesburg on 21 May, has been moved to 6 August, Conference organisers said.

The Chairman of the Manufacturing Working Group of the SA Chapter of the BRICS Business Council (BBC), Kaizer Nyatumba, said the conference is postponed because of the level 4 lockdown currently in place in response to the Covid-19 pandemic.

Born out of the need to help embattled South African manufacturers to make better use of the country's existing relations with its BRICS counterparts, the conference is expected to be attended by captains of industry, policy makers and public sector representatives, amongst many other stakeholders.

Mr Nyatumba said the conference also aims to assist South African manufacturers to take better advantage of the opportunities presented by BRICS amidst the current economic slump.

"The manufacturing industry's contribution to the economy has been declining over the past two decades as a result of cheap imports from Asian economies and rising operational and input costs.

"It goes without saying, therefore, that domestic manufacturers should look beyond the South African borders if they are to survive and grow. It is against this backdrop that we decided to host the conference that will seek to investigate how manufacturers can leverage the BBC Manufacturing Working Group (MWG) and discuss, among others, progress on MWG Projects and how they will advance the course of manufacturing in the country," Mr Nyatumba said.

Trade and Industry Minister Ebrahim Patel is expected to deliver the Conference's opening address, while Aspen Pharmacare Group Senior Executive and BBC SA member Stavros Nicolaou, Manufacturing Circe CEO Phillipa Rodseth, National Association of Auto Manufacturers of South Africa CEO Michael Mabasa, Industrial Development Corporation CEO and BBC Financial Working Group Chairman TP Nchocho, Department of Trade and Industry Deputy Director-General Ilse Karg and IBM SA Chief Operations Officer Ziaad Suleman will take part in plenary sessions.

Some of the topics that will be discussed at the conference include "South African Manufacturers and the BRICS Business Council: The Manufacturing Working Group – Does It Matter? Progress Report on Priority MWG Projects", "A Focus on Some of the Planned New Special Economic Zones", and "How South African Business Can Leverage BRICS Membership Better".

Mr Nyatumba encouraged manufacturing industry stakeholders to attend the conference in order to make a contribution towards hammering out the necessary solutions that will reverse the fortunes of the industry and ultimately see it out of the doldrums. ■



# CORPORATIONS MUST RISE TO THE OCCASION TO SUPPORT COMMUNITIES THROUGH COVID-19



The COVID-19 pandemic has had a widespread impact on our nation, but none more far-flung than on disadvantaged communities across South Africa.

A large portion of our population does not have access to healthcare systems, as well as basic resources such as food and clean running water - let alone the availability of hand sanitisers, cleaning wipes and the luxury of being able to isolate themselves when infected. In the face of severe socio-economic realities, what can organisations do to protect and empower our vulnerable communities?

Veer Steel Mills Business Strategy and Projects Manager Neil Reddy is of the view that the critical consideration in dealing with COVID-19 is understanding that it is not experienced equally by all South Africans.

“We are all feeling the effects of this pandemic very differently, depending on where you reside and who you live with, how you earn your income, your mental and physical health, and your access to healthcare and basic amenities. Our strength and solidarity as a community is entirely dependent on the lengths we as individuals - and as organisations - are willing to go to ensure that the bottom of the pyramid experiences as little impact as possible.”

The South African government has responded quickly and decisively in dealing with the outbreak of COVID-19, but they

cannot work alone in mitigating the spread of the virus. Reddy believes that Government needs the support and innovation of the private sector more than ever.

“Government has set the tone in terms of leadership and direction in response to COVID-19, and we are prepared to serve the communities in which we operate. By entering into partnerships with government, we are able to leverage off of existing community initiatives to maximise on their impact. The

onus is on community leaders, business owners, non-profit organisations and municipalities alike to combine expertise, pool resources and drive education to combat this threat.”

“As part of our community-level response to the coronavirus, we have partnered with the City of Ekurhuleni and their Department of Community Safety, headed by MMC Phaladi Frans Mmoko, to donate 300 food parcels to indigent families in Tembisa and Germiston. The areas surrounding

Veer Steel Mills are in dire need of necessities and ongoing support such as toiletries and groceries. These communities are the lifeblood of our company, it is our responsibility to ensure that they are provided for.”

An education exercise is essential to not only protect our workforce but to equip them with the knowledge to keep their families, neighbours and communities safe and sanitary



Further to this, Reddy believes that a mindset shift is needed to ensure that communities are best-equipped to combat the spread of the coronavirus. He says Communication campaigns - tailored to local languages and with customs and cultures kept in mind - must be in place to consistently raise awareness, reinforce healthcare best practices and instil a sense of accountability within areas.

“An education exercise is essential to not only protect our workforce but to equip them with the knowledge to keep their families, neighbours and communities safe and sanitary. We have had to recondition our staff to operate safely under this new normal while at work, but we have also provided them with material to better identify symptoms, and understand necessary hygiene and sanitisation measures,” says Reddy.

Vulnerable communities cannot be isolated in their struggle. In the spirit of Ubuntu, it is the responsibility of every South African to fight the spread of COVID-19. In order for this fight to be effective, we are reliant upon South African ingenuity, compassion and collaboration to support one another this pandemic. ■

## APPLICATIONS OPEN FOR SMMES TO APPLY FOR THE SASOL BUSINESS ACCELERATOR PROGRAMME

Applications are now open for small, medium and micro enterprises (SMMEs) in the manufacturing, engineering services and recyclables sectors to join the Sasol Business Accelerator (SBA) programme.

Interested companies must be based in Sasolburg and surrounding areas, notably Metsimaholo, Ngwate and Emfuleni municipalities.

“The key intention of the programme is to help grow these businesses into significant entities that can provide quality services to compete for opportunities within Sasol’s supply chain as well as that of other companies,” said Sasol Enterprise and Supplier Manager Ofentse Tiro.

“To ensure that we do justice to this process, we’ve also appointed an independent third-party company called Zevoli to assist with the selecting and screening of potential candidates for the programme.”

Successful applications will be housed at the Sasol business incubator facility in Eco-industrial Park in Sasolburg, Free State. The facility is equipped and structured to enable and host a diverse mix of SMMEs for development, service providers and stakeholders that can support one another, as well as other businesses in the area.

The SMMES at the Sasol incubation facilities, from which the SBA programme will be run, will also have access to four 500 m<sup>2</sup> well-equipped workshops for manufacturing and engineering related work, and a 2 000m<sup>2</sup> double storey main office building, which encompass four conference facilities, meeting and training venues, an entertainment area, hot desking and offices for predominantly service-related enterprises.

For more information, interested parties can visit: <https://www.sasol.com/sustainability/social-investment/enterprise-and-supplier-development>

**The closing date for applications is  
Wednesday, 17 June 2020. ■**

## ATLAS COPCO APPOINTS WENDY BUFFA-PACE MANAGING DIRECTOR

Atlas Copco is a Member of CEA that is Federated to SEIFSA



**WENDY  
BUFFA-PACE**

Atlas Copco has appointed Wendy Buffa Pace as Managing Director to its Board of Directors. Ms Buffa Pace has more than 17 years' experience within the Atlas Copco Group, having served as Corporate Human Resources and Communications Manager, Sub Saharan Africa for two years. In addition to these achievements, she was appointed Vice President of Holding, Sub Saharan Africa, in February this year.

"Ms Buffa Pace brings with her a wealth of excellence together with a strong, people focused background. Given the many years she has spent working with the Atlas Copco brand, her broad experience across the sub Saharan landscape will assist us in the advancement of the company and its people," said the company's Senior Vice President and General Counsel Håkan Osvald.

In her interview with SEIFSA News, Ms Buffa Pace revealed that growing up in Alberton, she never imagined, that she would one day, lead a global giant at the forefront of manufacturing industrial tools and equipment. She, in fact, dreamt of becoming a school teacher but the universe had other plans for her.

After graduating from Alberton High School, Ms Buffa Pace attended the University of Johannesburg where she obtained a National Diploma in Personnel Management. After completing her studies, she started a career in the retail sector working for the likes of Edgars, CNA and Woolworths. Though she felt like a child playing shop while working in the retail sector, Ms Buffa Pace says the sector did equip her with basic business skills and an understanding of operations.

Her journey took her from the retail sector to the information technology industry where she worked for MGX Holdings. She, eventually, joined Atlas Copco as Human Resources Manager in 2003 and never looked back.

Though her career with the organisation started with a focus on human resources and corporate communications, her current appointment to the MD position would see her involved in the legal and compliance side of the business within the Southern African Region.

"My role as the MD will also involve finance, treasury, corporate communication, safety, health, environment and quality as well as human resources and, locally, Broad-

Based Black Economic Empowerment. This in addition to identifying strategies, and synergies between the company's operations," she says.

Asked to describe her leadership style, Ms Buffa Pace who currently has a total of 27 direct reports says hers is an inclusive and democratic leadership that can be decisive when required to.

In addition to a National Diploma in Personnel Management from the University of Johannesburg, Ms Buffa Pace also holds Post Graduate Certificate in Labour Law from the University of South Africa and is a Society for Human Resource Management Senior Certified Professional.

### FactBox

- Success means many things to Ms Buffa Pace, but at work she describes it as "a feeling of contentment knowing that I'm proud of being a part of something bigger than myself. At home, it is seeing my children succeed."
- The top three things she attribute her success to are:
  - Always challenging herself to learn something new.
  - Being positive, passionate and energetic.
  - The support and encouragement of her family.
- Her message to young people who want to be successful in their careers is
- Attitude! Attitude! Attitude! Treat every day as an interview because you never know who is watching. Learn everything and never say it is not my job.

### FunFacts

- What car do you drive? Why? Toyota Fortuner – As a family we love the outdoors and have a boat- the Fortuner is the perfect car to launch the boat but still have a bit of luxury.
- What is your favourite dish? Any Mexican dish
- What are you currently reading? I normally have one or two books going at the same time at the moment its - Lean In: Women, Work and the Will to Lead by Sheryl Sandberg and for relaxation Fortune Cookie by Bryce Courtney
- What is your motto? Its not how many times you get knocked down but how many times you get up again.
- Favourite music/movie? 80's and 90's music. And by favourite movies are Pulp Fiction and Pretty Woman – strange combination I know. ■



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[meindaba.seifsa.co.za/](http://meindaba.seifsa.co.za/)

# SCHNEIDER ELECTRIC REINFORCES ITS SUSTAINABILITY COMMITMENTS AS IT RESPONDS TO THE COVID-19 CRISIS

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Schneider Electric is a member of Electric Engineering & Allied Industries' Association that is Federated to SEIFSA

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**S**chneider Electric is recognized around the globe as an essential business providing service continuity to critical infrastructure such as hospitals, data centres, IT networks, the temperature-controlled food supply chain, energy, transportation, water treatment and vital industries.

Ensuring continuity of service, 24x7, to critical industries in all the countries and communities where Schneider Electric operates is the Group's first responsibility and its main contribution to the fight against Covid-19. In this context, the Group is focused on maintaining operations to service critical infrastructure, in compliance with health and local government regulations.

At Schneider Electric, the health and safety of employees, customers and partners is of utmost importance. In response to the Covid-19 crisis the Group has enhanced its existing global benefit standards (Life, Health and Family Care) for all of its employees worldwide, for the duration of the crisis.

Additionally, and consistent with its sustainability commitments, the company is actively supporting hospitals and the most vulnerable communities and participating in several other efforts including boosting the production of ventilators.

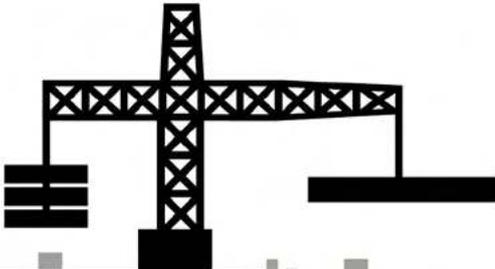
During these challenging times the company announced the creation of a fund dedicated to Covid-19 support as part of the Schneider Electric Foundation. This "Tomorrow Rising Fund"

will support emergency and longer-term reconstruction actions related to Covid-19 in all the territories in which the company operates. The Foundation will invite leaders and employees who wish to do so, to donate and all donations will be matched by the company. Schneider will also invite its other external stakeholders to donate to the fund.

The company's Chairman and CEO Jean-Pascal Tricoire – will personally contribute 25% of his base salary for the duration of the current crisis to the Tomorrow Rising Fund. He is joined by the company's members of the Executive Committee who have committed to contribute 10% of their base salaries to the fund for the duration of the crisis.

In addition, the company has suspended the buy-back of its shares aligned with the withdrawal of its 2020 guidance pursuant to its March 23rd, 2020 communication.

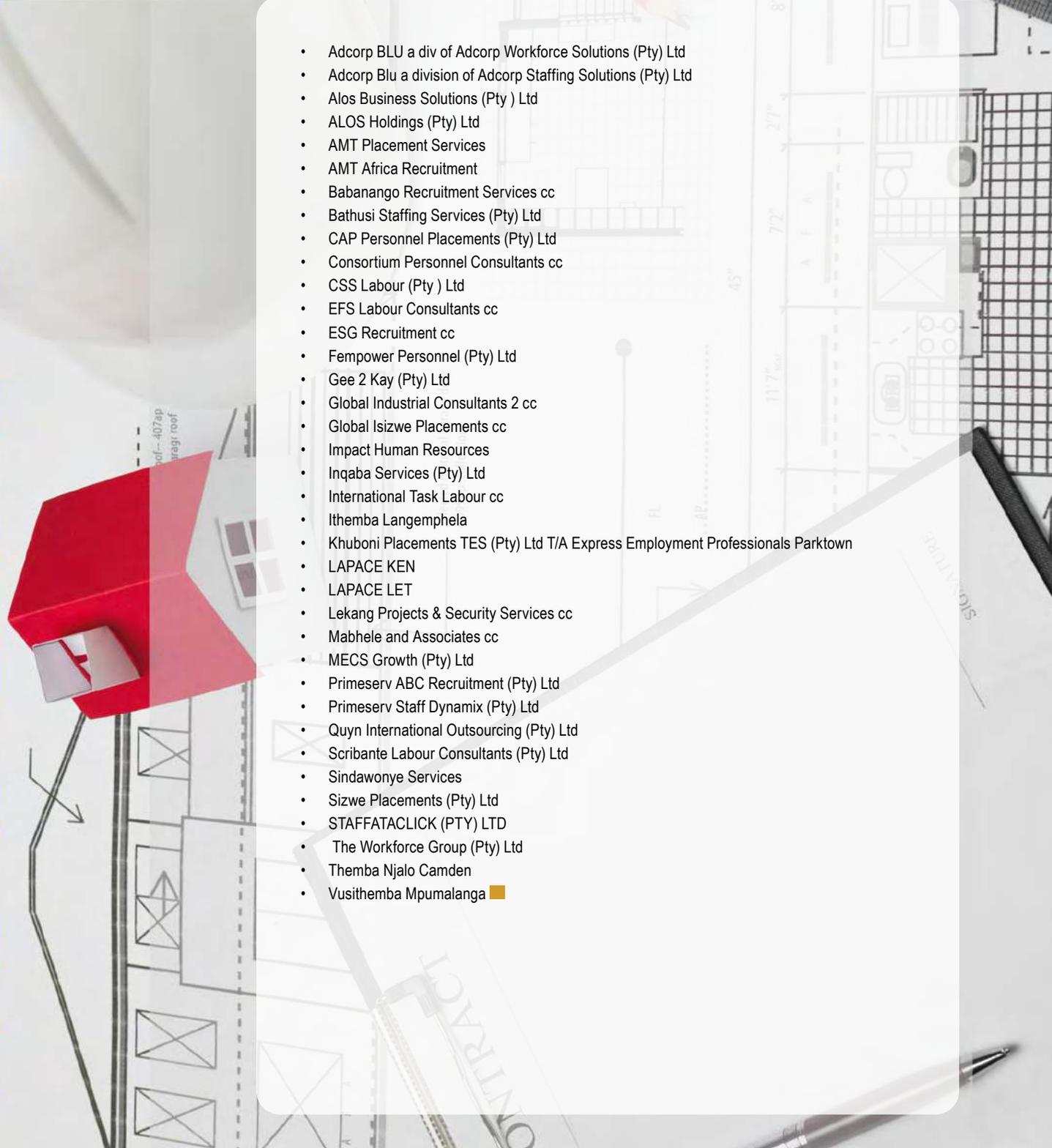
Through these initiatives, Schneider Electric reiterates its commitment to sustainability and expresses its appreciation to all of those who are demonstrating extraordinary courage and selflessness in their efforts to fight the Covid 19 pandemic. ■



# ACCREDITED LABOUR BROKERS



 CEA (TESD) Accredited Companies as at 25 May 2020

- 
- Adcorp BLU a div of Adcorp Workforce Solutions (Pty) Ltd
  - Adcorp Blu a division of Adcorp Staffing Solutions (Pty) Ltd
  - Alos Business Solutions (Pty) Ltd
  - ALOS Holdings (Pty) Ltd
  - AMT Placement Services
  - AMT Africa Recruitment
  - Babanango Recruitment Services cc
  - Bathusi Staffing Services (Pty) Ltd
  - CAP Personnel Placements (Pty) Ltd
  - Consortium Personnel Consultants cc
  - CSS Labour (Pty) Ltd
  - EFS Labour Consultants cc
  - ESG Recruitment cc
  - Fempower Personnel (Pty) Ltd
  - Gee 2 Kay (Pty) Ltd
  - Global Industrial Consultants 2 cc
  - Global Isizwe Placements cc
  - Impact Human Resources
  - Inqaba Services (Pty) Ltd
  - International Task Labour cc
  - Ithemba Langemphele
  - Khuboni Placements TES (Pty) Ltd T/A Express Employment Professionals Parktown
  - LAPACE KEN
  - LAPACE LET
  - Lekang Projects & Security Services cc
  - Mabhele and Associates cc
  - MECS Growth (Pty) Ltd
  - Primeserv ABC Recruitment (Pty) Ltd
  - Primeserv Staff Dynamix (Pty) Ltd
  - Quyn International Outsourcing (Pty) Ltd
  - Scribante Labour Consultants (Pty) Ltd
  - Sindawonye Services
  - Sizwe Placements (Pty) Ltd
  - STAFFATACLICK (PTY) LTD
  - The Workforce Group (Pty) Ltd
  - Themba Njalo Camden
  - Vusithemba Mpumalanga ■

# DEFY SUPPORTS OUR LOCAL HEALTHCARE HEROES

DEFY is a Member of KwaZulu Natal Engineering Industries Association that is Federated to SEIFSA



Edenvale



Jubilee



George Mukhari

As the world faces an unprecedented Covid 19 pandemic, South Africa's largest manufacturer and distributor of major domestic appliances, Defy, has demonstrated a deep commitment to the well-being of communities within which it operates.

Defy's products are found at the heart of almost every home and it is during trying times such as these (brought about by the pandemic) that Defy felt the need to open its heart to assist hospitals at the forefront of fighting the pandemic. The company's assistance came in the form of the donation of world class appliances to critical hospitals located in communities surrounding its operations.

Defy CEO Evren Albas said the donation of the world-class appliances forms part of the company's nationwide initiative that will see essential appliances - valued at R1,9 million - donated to critical hospitals across the country.

"Our donations, which consist of kitchen and household appliances will allow healthcare workers to enjoy some home comforts during the long shifts required to care for patients admitted with COVID-19," said Mr Albas.

He added that, Defy acknowledges that South Africa's medical personnel and health care heroes are the first line of defence in the war against the novel Covid 19 outbreak and the company endeavours to make a difference to their lives by donating essential appliances to the operations in the treatment of admitted COVID-19 patients at various hospitals throughout South Africa.

"We at Defy regard the services rendered by healthcare professionals as invaluable in combating the epidemic and critical in our present-day circumstances," he said.

**The following hospitals have been furnished with Defy appliances thus far;**

- Tshwane district hospital
- Tembisa Hospital
- Odi Community Hospital
- Mamelodi Hospital
- Jubilee Hospital
- Hillbrow Clinic
- Germiston Pathalogy
- George Mukhari Hospital
- Edenvale Hospital. ■

We hope that our contribution will lighten the burden of those working unselfishly in treating COVID-19 patients.



**Germiston**



**Mamelodi**



**Tshwane**

# INTERNATIONAL WATCH



## INDIA



### **Icra revises domestic steel industry outlook to negative from stable**

**A** India's domestic steel demand is expected to remain subdued until the Covid-19 pandemic is brought under control. This follows the back-to-back extensions of the lockdown, till May 31, Icra said in its report recently.

Early indications of an unprecedented demand slowdown are visible in the official data for March and April, which point to a steep year on year (YoY) contraction in steel demand of 22 per cent and 91 per cent, respectively.

As per Icra's latest report on the sector, domestic demand is estimated to decline by 20 per cent in FY2021, which will be the sharpest fall on record.

Consequently, the ratings agency's outlook on the domestic steel industry has been revised to negative from stable.

"Quickly rebooting the steel industry from hibernation is going to be a tough task. The first half of FY2021 is expected to be especially challenging for steelmakers. Many buyers could prefer to sit at the sidelines, given the uncertain demand environment and liquidity pangs of steel consumers, amid dwindling sales and fixed cost obligations. Moreover, despite higher borrowing levels of state governments that have been allowed subject to conditions, infrastructure spending by the centre and states could be partly deferred to the next fiscal, due to dwindling tax collections, limiting possibility of a sharp bounce back in steel demand post the lockdown," the report quoted Jayanta Roy, senior vice-president & group head, corporate sector ratings at Icra as saying.

Icra's analysis suggests that the steel demand "hotspots" are overlapping with the Covid-19 hotspots, which would hurt

the recovery of steel demand over the near term.

Key steel consuming states of Maharashtra, Gujarat, Delhi, Tamil Nadu, Andhra Pradesh, Telangana, Rajasthan and Punjab have a sizeable portion of their population living in districts marked as red zones.

With around 51 per cent of the urban population living in red zones, steel demand from the construction and real-estate sectors could take some time to return to the pre-Covid-19 levels, limiting the possibility of a steep rebound in domestic steel demand.

In addition, slackness in demand, migration of labour, timely availability of raw materials, and liquidity/working capital availability remain some of the key challenges grappling the end-consumers of steel.

The recent announcements on liquidity injection measures by the Government of India (GoI) and the Reserve Bank of India (RBI) could partly help alleviate the interim stress for both steelmakers and end-users of steel.

Icra notes that the bulk of the allocations of the recently announced Rs 20-lakh-crore Covid-19 package have been directed towards social sector spending and enabling credit flow to the stressed/vulnerable sectors of the economy.

Unlike an investment-led stimulus, the measures announced so far by the GoI may not lead to an immediate rebound in domestic steel demand in the prevailing weak demand environment.

In the current fiscal, steelmakers would not only have to grapple with weakening spreads, but also lower deliveries, as companies jostle for space to protect volumes amid shrinking domestic demand. This would adversely impact the operating

profitability and debt protection metrics of steelmakers in FY2021.

Moreover, as fresh steel capacity of 10 million tonne (mt) is expected to be commissioned in the coming few months, the capacity utilisation rate of the domestic industry is expected to plummet to less than 65 percent in FY2021.

“Steelmakers have focused on export deliveries as domestic demand dried up during the lockdown. Our channel checks suggest that most of the industry’s export consignments

made during the lockdown have been to China, the Middle East, Vietnam and other South-East Asia countries. Despite exports being less remunerative than domestic sales due to the duty protections available within India, steelmakers have continued to focus towards the export markets in May as well. De-stocking inventory and shoring up the balance sheet liquidity seems to have assumed a higher priority over profitability to tide over these challenging times for steelmakers,” Roy was quoted as saying. ■

Source: Business Standard



## US Steel Signs Long-Term Iron Ore Sales Agreement With Algoma Steel

United States Steel Corporation (US Steel) has recently announced a four-year agreement to sell substantial volumes of quality iron ore pellets to Ontario, Canada based Algoma Steel (Algoma). The purchase agreement, which runs from 2021 through 2024, provides incremental volume and a new long-term iron ore customer for US Steel’s Minnesota mines.

“As a top North American iron ore producer, US Steel is pleased to partner with Algoma to ensure they have the substantial supply of iron ore pellets they need to run their business,” said US Steel President and Chief Executive Officer David B Burritt.

“This new supply agreement further verifies the value of our iron ore operations. We are proud of Algoma’s confidence in US Steel’s quality and reliability in satisfying their important long-term needs.”

This is the second significant iron ore purchase agreement US Steel has finalized in 2020. The other agreement announced on 30 April 2020 included another party’s option to acquire a 25

percent interest in the Company’s Minntac iron ore operation for an implied enterprise value of \$2.4 billion for the Minntac operation. The contracts advance US Steel’s commitment to extract incremental value from the company’s iron ore assets as part the Company’s “best of both” strategy which was announced in October 2019.

“Today’s announcement is another example of the continued execution of our ‘best of both’ integrated and mini mill strategy. The asset revitalization investments we made across our critical steel making assets over the past few years are resulting in enhanced safety, quality, delivery and cost performance as we build on the cost and capability benefits of being an integrated producer,” said Burritt. “As we complete our electric arc furnace in Alabama and ultimately continue with our investments in endless casting and rolling at Mon Valley Works and the upgrades to the hot strip mill at Gary Works, we will have fundamentally repositioned our footprint to be the only ‘best of both’ steel producer for the multiple stakeholders that count on US Steel. We look forward to continuing to serve current customers while gaining market share in strategic end markets, like we have done today with our newest iron ore customer.” ■

Source: GlobalNewswire



## AUSTRALIA



## Cyberattack on BlueScope Steel Derails

### Australia Operation

**A**ustralian steel products manufacturer BlueScope Steel has recently reported a cyber incident that affected its manufacturing and sales operations in Australia. The type or source of the cyberattack is still unknown, but as per the company's official statement, operations only in Australia were affected.

BlueScope Steel is one of the oldest steel product manufacturers in Australia and has partnerships with the Asian heavyweights of this industry like the Tata conglomerate and Nippon Steel. Their customer base and operations span across the Pacific Rim from Asia, Australia, New Zealand, right to the west coast of North America. Thus, the cyberattack of any magnitude could have easily derailed its global operations.

The company's Chief Financial Officer, Tania Archibald, said, "The cyber incident in BlueScope Steel was detected in one of the company's US businesses and our team had acted promptly to respond to the incident. In the affected areas the company has reverted to manual operations wherever possible, while it fully assesses the impact and remediates as required, to return to normal operations at the earliest." Archibald also confirmed that BlueScope's North Star, Asian, and New Zealand

businesses continued as normal with minor disruptions and latencies due to the impact from Australian operations.

### AUSTRALIA'S TOLL GROUP AFFECTED BY MAILTO RANSOMWARE

Earlier in February 2020, Australia's logistics giant, Toll Group, was targeted by a cybersecurity incident that compromised around 1,000 systems affecting local and global deliveries across the country. As per the findings of the experts from the Australian Cyber Security Center (ACSC), the logistics company's computer and network infrastructure were hit by the Mailto ransomware attack.

The report of Toll Group being affected by ransomware first surfaced when the company issued a press release on its website and Twitter handle, officially informing its users about the incident. Post the attack discovery, Toll promptly shut down several systems across multiple sites and business units in Australia to contain the spread of the cyberattack. However, it continued to function its regular pickup, process, and dispatch services but at a slow pace due to manual processing of local and international parcels across Australia. ■

Source: Cisomag.com



## Tsingshan's stainless steel order book fills as China rebounds, traders load up

**T**singshan Holding Group, the world's biggest stainless steel producer, has sold the entire output of its Chinese plants through June, said two sources familiar with its sales, a sign of potentially strong domestic demand for the metal.

The full order book indicates some recovery in Chinese consumption as the world's second-biggest economy reboots after extensive lockdowns to halt the spread of the new coronavirus earlier this year. Stimulus measures unveiled by Beijing to revive the economy are expected to boost steel use as the country gets back to work.

Still, about half of Tsingshan's current orders have come from traders rather than end-users, said one of the sources, versus the typical 85% of orders from end-users, indicating that some of the demand is insecure and raising some doubts about its longevity.

"May and June are full," said the source, adding that the company had also already sold about two-thirds of its July output in China. "Recently the sentiment is really good and people try to buy."

Tsingshan did not respond to Reuters's emailed request for comment.

Car makers, machinery manufacturers and construction firms are driving Chinese demand for stainless steel, a corrosion-resistant alloy that also includes chromium and nickel.

Optimism that new infrastructure projects such as train stations, airport expansions and 5G cell towers will be built under new stimulus plans is also bolstering demand.

Cumulative buying across those user bases has pushed Shanghai stainless steel futures SHSScv1 up 12% so far this quarter, with the most-traded contract rising to 13,730 yuan (\$1,930.62) a tonne last week, the most since January.

"China's stainless steel market is much better than expected," said Wang Lixin, a manager at consultancy ZLJSTEEL. "After March, Chinese businesses rushed to make up for the previous orders," she said, referring to a backlog of orders that accumulated when the economy was closed down.

## STOCKING UP

Expectations for additional stimulus announcements at China's annual parliament session starting on Friday have prompted traders and end-users to stock up while prices are still relatively low.

Inventories at Chinese mills have fallen by one-fifth to 1.36 million tonnes from a record 1.68 million tonnes in February, ZLJSTEEL's Wang said.

Stockpiles held by traders and so-called mill agents have dropped by 25% to 880,000 tonnes since mid-March, Wang added, suggesting strong buying from industry middlemen.

Mills are also picking up materials to sustain or boost production.

"Stainless steel mills are strongly purchasing nickel pig iron (NPI) and stainless steel scrap," said CRU Group analyst Ellie Wang.

Prices of high-grade NPI NPI-INRMON-ANT, a key input for China's stainless steel, climbed on May 14 to 980 yuan (\$138) a tonne, the highest since February, data from research house Antaika showed.

Port stocks of nickel ore, used to make NPI, dropped to their lowest since March 2018 at 8.18 million tonnes last week, according to Antaika.

Still, industry sources questioned how durable China's recovery can be while overseas markets' demand for stainless steel and finished goods incorporating the metal made in China remains weak.

"The big question still is when is the rest of the world demand coming back, because how long can China go it alone," said one of the sources, a commodities banker based in Singapore. ■

Source: Reuters



# THE LINK BETWEEN VARIOUS PIECES OF LEGISLATION AND SKILLS DEVELOPMENT

by Cobus Cato

One often thinks of skills development as an isolated activity to which employers focus their attention to comply with specific legislation. Often the various parts of legislation, which impacts on skills development, is overlooked and the benefits that lies within proper planning could be missed.

## EMPLOYMENT EQUITY

The Employment Equity Act, 55 of 1998, the code of good practice on developing and submitting an Employment Equity (EE) plan, guides employers to train employees in the workplace. This training also includes development programmes for employees who may progress through the organisation in order to fill vacant positions in an attempt to correct the demographical imbalances in the workplace.

## SKILLS DEVELOPMENT

The Skills Development Levies act and regulations, 9 of 1999, requires all employers who have an annual salary bill of R 500 000.00 and more to pay a Skills Development Levy (SDL) to the value of 1% of the salary bill to the Sector Education Training Authorities (SETA's). The employer does, however, have the opportunity to access up to 69.5% of this SDL paid provided the employer abides by the rules to access. Part of the rules are that the employer must then compile and submit a Workplace Skills Plan (WSP). Within this plan the employer will indicate which type of training he intends to conduct for his employees, and this will be considered by the SETA, guiding the allocation of SDL grants to the employer.

## BROAD-BASED BLACK ECONOMIC EMPOWERMENT

The B-BBEE act, 53 of 2003, as amended by act 46 of 2013, is applied when an organisation needs to acquire a B-BBEE certificate to trade. Within this evaluation of criteria, a scorecard is applied, and skills development forms a critical part of this scorecard. Emphasis is placed on the development of Black employees within the organisation. Organisations will reap greater benefits if the development of Black employees include training which is nationally recognised and accepted. This specifically refers to accredited training which is credit bearing of results in a national qualification.

## PLANNING

An employer needs to conduct a proper training needs analyses, or also referred to as a skills audit, in order to determine the current competency level within the organisation and the employees per se. This will guide an employer to effectively plan for training by identifying those employees who will be trained in order to adhere to the EE Plan. This training then needs to be included in the WSP. This will then be calculated toward the application for the SDL grant to which an employer is entitled. Once this has been done the actual spend on skills development can then also be calculated and recognised in the scorecard of the B-BBEE evaluation process.

## CONCLUSION

Socrates once stated, “the law is passion, it is free from emotion”. This by implication means that regardless of how one feels about the law, it is the law. With the existing laws in place employers are encouraged to apply their mind specifically to the development of their employees and access the largest portion of their SDL grant at the same time. This will filter through to the B-BBEE scorecard evaluation and could likely influence the outcome of the certificate level allocated. ■

*Cobus Cato is a SEIFSA HC&SD Alliance Partner*

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6. COVID 19 Business Rescue Assistance (COBRA)
7. Custom Duty and VAT Concession
8. National Small Business Chamber COVID 19 Small Business Relief Centre
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11. Compensation for Occupational Acquired Coronavirus
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3. Reviewing the eligibility of SMMEs;
4. Reviewing the eligibility of employees;
5. Ensuring that all qualifying employees benefit timeously;
6. Compiling the supporting documents;
7. Dealing with queries/bottlenecks in completing relevant forms;
8. Addressing any other relevant matters;
9. Enabling correct, first-time submission in order to expedite the process of receiving the necessary financial relief; and
10. Follow up with companies to ensure they are still coping, 2 months after the easing of lockdown requirements at level 1

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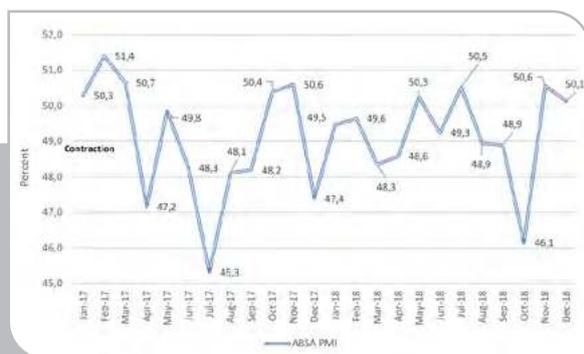
# THE IMPACT OF THE COVID-19 PANDEMIC ON LOCAL BUSINESS ACTIVITY EXPECTATIONS

**P**rior to the emergence of the Covid-19 pandemic, the South African economy had already been negatively impacted by a challenging regional and global economic climate, characterised by slowing demand, declining manufacturing activity, dipping commodity and metal prices and increasing prices of raw materials. The difficult operating environment will definitely get worse due to the national lockdown imposed in South Africa as a result of the ongoing Covid-19 pandemic, with extended implications on jobs, business sustainability and business expectations.

Generally, local businesses are under duress, underpinned by non-descript demand and increasing input costs, including electricity costs. It is evident that companies in the broader manufacturing sector including its heterogeneous Metals and Engineering (M&E) cluster of industries are finding it increasingly difficult to stay afloat and to remain competitive, as seen by monthly economic data such as the Absa Purchasing Managers' Index (PMI), which has largely been sluggish since the start of the second quarter of 2017. The PMI data is collated from a survey of purchasing executives and provides insight to the performance of the broader manufacturing sector.

The graph below captures the movement in the headline PMI over a 24-month period from January 2017 to December 2018.

Figure 1: ABSA Manufacturing purchasing managers' index (PMI)



Source: SEIFSA and BER, 2020

Figure 1 shows that the composite PMI followed a generally volatile trend over the 24-month period, breaching the benchmark level of 50, which separates expansion from contraction, a total of five times in 2017 - January 2017 (50.3 percent), February 2017 (51.4 percent), March 2017 (50.7 percent), October 2017 (50.4 percent) and November 2017 (50.6 percent). Alternatively, in 2018, the graph illustrates that the PMI breached the benchmark level only four times - May 2018 (50.3 percent), July 2018 (50.5 percent), November 2018 (50.6 percent) and December 2018 (50.1 percent). Given that the months of November and December have always held huge potential due to seasonality and increasing business activity locally as businesses approach the festive season, we generally expect the PMI to trend higher over the period. This has generally not been the case.

The volatility that is evident in the headline PMI trend indicates the difficult operating environment of producers in the manufacturing sector, including its diverse metals and engineering cluster of industries. Manufacturers continuously face headwinds, especially when viewed against the backdrop of stagnant growth, increasing input costs, rising energy costs and the onset of the global coronavirus pandemic which has impacted on business activity globally. The non-descript performance of the headline PMI as vividly illustrated in figure 1 above continued in 2019 and in the early half of 2020, warranting a second-level analysis of one of its important sub-indices for the period of January 2019 to March 2020. The analysis of the business activity sub-index helps in providing further insights to the underlying dynamics of the composite PMI data

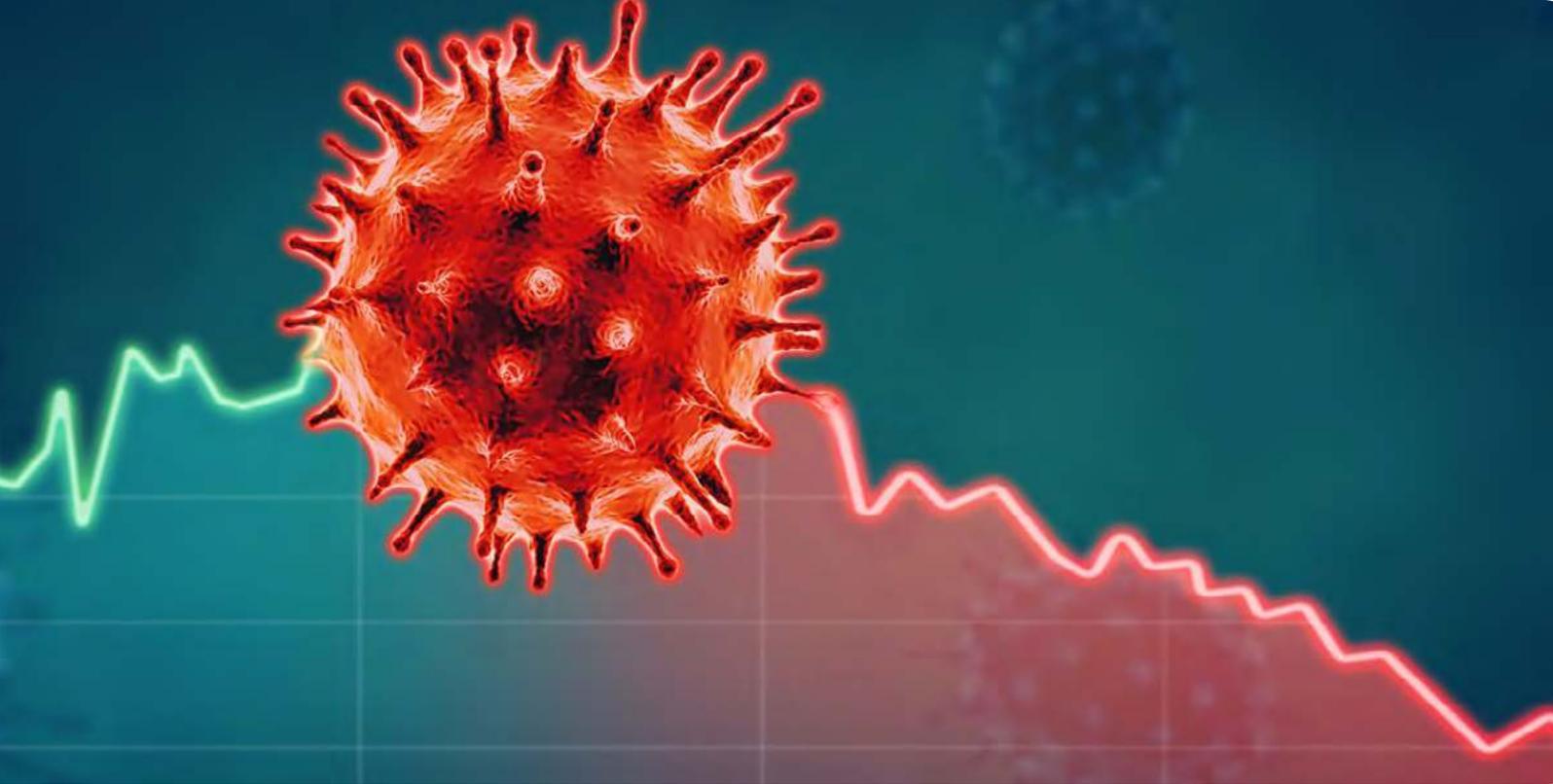


Figure below juxtaposes the movements in the composite PMI and the business activity sub-index from January 2019 to date.

Figure 2: Business activity sub-index VS the Composite PMI



Source: SEIFSA and BER, 2020

A comparison of the business activity sub-index and the composite PMI illustrates heightened volatility in the data. Over the 15-month period (January 2019 to March 2020), the business activity sub-index has been trending in the contractionary zone for fourteen out of the fifteen months under

observation. The poor performance is more pronounced in the second half of 2019, in line with the poor performance of the real Gross Domestic Product (GDP) over the same time-frame. Interestingly, the business activity sub-index and the headline PMI generally follow a similar downward sloping trend between January 2019 and March 2020, indicating that the composite PMI is generally influenced by movements in the sub-indices, including the business activity sub-index, which form an integral part of the headline PMI.

Over the 15-month period under review, the business activity sub-index, breached the benchmark level of 50 only one time in July 2019 (55.1 percent), while the composite PMI breached the benchmark level in January 2019 (50.3 percent) and in July 2019 (50.2 percent). Given that the business activity sub-index generally gauges production activity of manufacturers, it is clear that business activity is declining. The decline in business activity in the first quarter of 2020 is clearly evident on the graph which shows the sub-index decreasing from 44.6 percent in January 2020, to 33.7 percent and 30.7 percent in February 2020 and March 2020, respectively.

The performance of the composite PMI is cause for concern. Moreover, local businesses are facing tough times given the present economic situation amid the persistent Covid-19 pandemic. Encouragingly, the South African Government has structured various assistance, funding relieves and loan packages to help struggling domestic businesses to minimise the losses from a dip in economic activity and ensure the sustainability of local companies in the short- to medium-term. ■

# THE WORKPLACE POST COVID – 19 PANDEMIC – SAFETY AWARENESS

By Eng. Admire Makotose

The 1918 Spanish Flu was especially deadly and spread quickly throughout the world in several phases. Fear and uncertainty despite the differences, were some common experiences of living through the pandemic. In spite of fear and uncertainty, people adapted and learnt new ways of living and conducting themselves socially, productively and in other ways. People had to think in different boxes of thought to contain, defeat the pandemic and adapt.

Coronaviruses are common across the world. COVID-19 is a new strain of coronavirus first identified in Wuhan City, China in January 2020, it has caused untold suffering and put almost the whole world on lockdown. The coronavirus (COVID-19) outbreak was declared as a pandemic on 11th March 2020 by the World Health Organisation (WHO).

Governments, authorities, institutions and the public the world over, must work together to contain the COVID-19 outbreak. However, long-term success cannot be taken for granted. All sections of our society – including businesses and employers – must play a role if we are to stop the spread of this disease.

## WORKPLACE FORWARD LOOKING POST COVID – 19

Although economies bleed and businesses suffer, there has to be a forward looking for society and industry to adapt and have new ways of living and new ways of conducting business from the top executives right down to the workshop floor staff. There also has to be new ways to augmenting Occupational Health and Safety endeavours at the workplace

WHO outlined guidelines that will assist employers and businesses in providing advice to staff in non-healthcare settings on:

- the novel coronavirus, COVID-19
- how to help prevent spread of respiratory infections including COVID-19
- what to do if someone is suspected or confirmed to have COVID-19 in the workplace
- advice on travel and meetings
- further information and resources



## NEED FOR CONTINGENCY AND BUSINESS CONTINUITY PLAN

Organisations must develop contingency and business continuity plans for an outbreak in the communities where your business operates and for their workforce.



- The plan should address how to keep your businesses running even if a significant number of workers, contractors and suppliers cannot come to your place of business – either due to local restrictions on travel or because they are ill.
- Inform your workforce and their representatives as well as your contractors about the plan and make sure they are aware of what they need to do – or not do – under the plan. Emphasise key points such as the importance of staying away from work even if they have only mild symptoms or have had to take simple medication (e.g. paracetamol, ibuprofen) which may mask the symptoms.
- Be sure your plan should address:
  - sick leave arrangements (see #Certifying absence from work)
  - the mental health and social consequences of a case of COVID-19 in the workplace or in the community
  - offer information and support.

For small and medium-sized businesses (SMEs & SMMEs) without in-house Occupational Health Support, consult the information available online from your occupational health

service, public health and labour authorities in advance of any emergency. Consult any guidance given by your sectoral organisations (employers' associations, chambers of commerce, sectoral social services).

## WORKPLACE PROTOCOLS

The Department of Employment and Labour has mandated companies to implement Covid – 19 Occupational Health and Safety measures in the workplace. Companies have to come up with workplace preparedness and mitigation packs to assist in complying with these regulatory instruments and regulations and set up protocols to protect the workforce and customers and other stakeholders from contracting Covid – 19 and prevent the transmission of the virus

- Employers must develop a plan for the phased return of their employees
- Stringent health protocols must be implemented at all workplaces
- Customers in retail stores must remain at least 2m apart

## ROUTINE ENVIRONMENTAL CLEANING AT THE WORKPLACE:

- Routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops, and door handles. Use the cleaning agents that are usually used in these areas and follow the directions on the label.
- No additional disinfection beyond routine cleaning is recommended at this time.

Provide disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) can be wiped down by workers

## PREVENTING SPREAD OF INFECTION

At the Workplace Employers should:

- Place posters that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance to the workplace and in other

Consult any guidance given by your sectoral organisations (employers' associations, chambers of commerce, sectoral social services)




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areas where they will be seen.

- Provide workers with tissues and waste bins lined with a plastic bag so that they can be emptied without contacting the contents.
- Instruct workers to clean their hands frequently, using soap and water for at least 20 seconds or with an alcohol-based hand sanitiser that contains at least 60-95% alcohol.
- Provide soap and water and alcohol-based hand rubs in the workplace in multiple locations and in common areas to encourage hand hygiene.
- Continue routine environmental cleaning and consider additional measures.
- Brief the workers, contractors and customers that anyone with even a mild cough or low-grade fever (37.3 degrees Celsius or more) needs to stay at home. They should also stay home (or work from home) if they have had to take simple medications, such as paracetamol/acetaminophen, ibuprofen or aspirin, which may mask symptoms of infection

Any workers who develops flu-like symptoms (i.e. cough, shortness of breath, fever) should go home immediately and contact the public health service

## WORKFORCE PREVENTATIVE PRACTICES

It must be mandatory that the workforce and the high level must do their part to contain Covid – 19 and the following are practices which need to be adapted

- Face masks - Use face masks when working in closed spaces with other persons
- Social / Physical Distancing - Maintain a safe distance from other people
- Hand hygiene - Wash your hands well and often to avoid contamination
- Cough & sneeze etiquette - Cover your mouth and nose with a tissue or sleeve when coughing or sneezing and discard used tissue
- Avoid touching eyes, nose or mouth with unwashed hands
- Environmental Cleanliness - Clean and disinfect frequently touched objects and surfaces. ■

*Admire Makotose is the Founder and Managing Director of ISO-Serve Consultant.*

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