
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 637

20 July 2021

**COVID-19 TEMPORARY EMPLOYEE/EMPLOYER RELIEF SCHEME
(C19 TERS) DIRECTION, 2021**

DIRECTION BY THE MINISTER OF EMPLOYMENT AND LABOUR IN TERMS OF REGULATION 4(10) OF THE REGULATIONS MADE BY THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN TERMS OF SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

I, **Thembelani Waltermade Nxesi**, the Minister of Employment and Labour, acting in terms of Regulation 4(10) of the Regulations made by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) hereby issue this Direction to pay TERS benefits only to employees who are contributors to Unemployment Insurance Fund, in terms of the Unemployment Insurance Act, 2001 if and from when the condition precedent payment occurs and lasts, from date of and in terms of this direction.



MR T W NXESI, MP**MINISTER OF EMPLOYMENT AND LABOUR****DATE:** 15/07/2021

SCHEDULE

DIRECTION PROVIDING COVID-19 TERS BENEFITS FOR CERTAIN CATEGORIES OF EMPLOYEES

1. Definitions

In this Direction, unless the context otherwise indicates-

“COVID-19” means the 2019 coronavirus (SARS- COV2/COVID-19);

“Directive” means the Directives issued by the Minister of Employment and Labour on 26 March 2020 GG 43161 as amended on 6 April 2020 and 16 April 2020 and corrected on 20 April 2020 and as amended on 26 May 2020 and as issued on 11 August 2020; and as issued on 04 September 2020; and as issued on 04 April 2021;

“Regulation” means the Regulation issued by the Minister of Cooperative Governance and Traditional Affairs under regulation gazette No 11217 vol 666 of 29 December 2020, and any other thereafter, published in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) pursuant to the declaration of a national disaster dated 15 March 2020 in terms of section 3 of that Act;

“remuneration” bears the same meaning as the definition of the term in the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) read with section 35(5) of that Act and the Schedule to Government Notice 69, GG 24889 of 23 May 2003;

“sliding scale” means the sliding scale contained in the UI Act in accordance with which benefits are calculated in terms of the UI Act;

“UI Act” means the Unemployment Insurance Act, 2001 ,(Act No.63 of 2001)

“vulnerable employee” means an employee -

- (a) with known or disclosed health issues or comorbidities or any other condition that may place the employee at the higher risk of complications or death than other employees if infected with COVID-19; or

- (b) above the age of 60 years (or otherwise stipulated in any amended OHS Direction or National Disaster Regulation) who is at a higher risk of complications or death if infected.

Annexure A or “Annexure B means a list of sectors mentioned therein and as the Minister may prescribe in terms of the Directive from time to time.

2. Incorporation of Directive for certain categories of employer and employee

- 2.1 Notwithstanding the withdrawal of the Directive with effect from 15 October 2020, in terms of the withdrawal notice of 27 November 2020, GG 43943, and notwithstanding the lapsing of the Directive of 4 April 2021, the provisions of the Directive of 4 September 2020 are incorporated in this Direction-
- 2.1.1 subject to sub-paragraphs 2.3 and 2.4; and
- 2.1.2 only in respect of the employers and employees contemplated in sub-paragraph 2.3, and only if such employees are contributors for purposes of the UI Act and their employers have declared and paid for them with the Fund.
- 2.2 The benefit shall be de-linked from the UIF's normal benefits and provisions thereto.
- 2.3 The employees contemplated in sub-paragraph 2.1.2 are those employees whose employers-
- 2.3.1 are not permitted to commence operations, either partially or in full, in terms of the Regulations published by the Minister of Cooperative Governance and Traditional Affairs on 27 June 2021, and any other thereafter, in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) pursuant to the declaration of a national disaster dated 15 March 2020 in terms of section 3 of that Act, and who operated in the sector as specified in **Annexure A** either partially or in full, on and from **16 March 2021 to 25 July 2021**;
- 2.3.2 are not permitted to commence operations, either partially or in full, in terms of the Regulations published by the Minister of Cooperative Governance and Traditional Affairs on 27 June 2021, and any other

thereafter, in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) pursuant to the declaration of a national disaster dated 15 March 2020 in terms of section 3 of that Act, and who operate in a sector as specified in **Annexure B** either partially or in full, on and from **28 June 2021 to 25 July 2021**.

- 2.3.3 are unable to make alternative arrangements for vulnerable employees to work from home or take other measures as contemplated in clause 20.3 of the OHS Direction, irrespective of whether the employer operates in a sector specified in **Annexure A or B** ;
- 2.3.4 are unable to make use of their services either fully or partially because of operational requirements based on the economic, technological, structural or similar needs of the employer caused by compliance with the Regulations made in terms of section 27 (2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) or Directions made under Regulation 4(10) of those Regulations in particular the need to limit the number of employees at the workplace through rostering, staggering of working hours, short time, and the introduction of shift system and who operate in a sector as specified in **Annexure A or B**
- 2.3.5 are required to ensure that they remain in isolation or in quarantine in terms of the OHS Direction or a direction issued by the Minister of Health following a high risk-contact, irrespective of whether the employer operates in a sector specified in Annexure A and B or not. Employees referred to in this clause 2.3.5 need not first exhaust their sick leave before claiming the benefit provided for in this Direction.