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Operating call centres for essential services during the lockdown period

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Call centres for essential services

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On 9 April 2020, the Government issued Notice 43224, Regulation 459, effective as of 9 April 2020 ("**Regulation 459**") which provides directions regarding the operation of Essential Service Call Centres during the Lockdown Period[1]. The directions set out in Regulation 459 ("**Directions**")[2] are clear, specific and are legally binding. In addition, the Directions only permit the operation of call centres that provide support to businesses which provide 'essential services', such as businesses which operate in, *inter alia*, the "*health, safety, social support, government and financial services*"***[3]*** *sectors* ("**Call Centre**"). This means that all other call centres are prohibited from operating during the Lockdown Period. A copy of the Directive contained in DTI Notice 43224 must be displayed at the Call Centre's premises and a copy must be given to each employee.

The Directions may be broadly categorised into three requirements, two of which must be fulfilled before an essential service Call Centre may operate.

First, the Call Centre may only permit personnel considered to be absolutely necessary to provide the service to leave their places of residence and return to the workplace.

Second, the CEO[4], or his/her designate, of any business or entity operating such essential services must identify the essential staff in writing by completing the form contained in Annexure C of the Regulations.

It must be noted that Law Enforcement Officials[5] and inspectors[6] have the right to enter the Call Centre premises at any time in order to inspect the premises and to ensure compliance with the Directions.

The Directions stipulate as follows:

Managing employees

- No facility shall have no more than one-third of its normal workforce (in the workplace) at its premises during the Lockdown Period;
- Employers must provide all reasonable requirements pertaining to personal protective equipment, including but not limited to, face masks or in accordance with any directives published by the National Department of Health, from time to time;
- Each employee must be provided with and have access to his/her personal alcohol-based hand sanitiser dispenser;
- Employers must instruct the employees that:
    - they should, as far as possible, remain within the premises during working hours;
    - all biometric access has been disabled;
    - they must not share equipment, stationery, utensils or similar items;
    - they must observe social distancing, personal hygiene, disinfection and other safety measures required under the Regulations;

- they must monitor themselves for symptoms of Covid-19 and report their symptoms to a supervisor or occupational health practitioner[7] before entering the premises;
- designated health and safety officers will take their temperature prior to entering the workplace and every four hours during their shift;
- they must report any potential Covid-19 related symptoms that occur during a shift;
- they will be sent home for quarantine (with a surgical mask) and instructed not to return to the workplace until he/she has self isolated himself/herself for, *inter alia*, 14 days after he/she either displayed any Covid-19 related symptoms or tested positive for Covid 19[8];
- the business is obliged to report employees suspected of having Covid-19 to the Department of Health; and
- they must comply with all safety measures implemented by the Call Centre in compliance with the Regulations during the Lockdown Period.

Managing the workplace

- A risk assessment to identify, mitigate and eliminate potential exposure to Covid-19 must be completed;
- Biometric access points in and to the workplace must be disabled;
- The number of persons in a room must be limited with due regard to social distancing, personal hygiene, disinfection and other safety measures;
- A social distance between any two employees of at least one and a half square metres must be observed;
- Surfaces and equipment in the workplace and its immediate surrounds must be cleaned and disinfected before the start of each shift and then at least every four hours thereafter; Establishing social distancing-based protocols for clocking-in and using canteen facilities;
- Providing proper ventilation; and
- Prominently providing and displaying alcohol-based hand sanitiser dispensers throughout the workplace and its immediate surrounds.

Compliance

- All regulations and directions pertaining to the maintenance of hygienic workplace conditions and the potential exposure of employees to Covid-19 must be observed;
- Designated and trained health and safety officers must check with employees when they enter the premises whether they have experienced any of the symptoms associated with Covid-19 in the past 24 hours. Any employee who states he/she has displayed or is currently displaying any of the aforementioned symptoms may not enter the workplace;
- The health and safety officers, using appropriate equipment/instruments, must take and record the temperatures of each employee at the start of each shift and every four hours during the shift;
- An employee whose temperature is 37,5 degrees or more must be immediately moved to an isolated observation room for a second measurement. If the second test measurement also exceeds 37,5 degrees, then the employee must be sent home for quarantine with a surgical face mask and may not be permitted to enter or remain on the premises until he/she has self isolated himself/herself for, *inter alia*, 14 days after he/she either displayed any Covid-19 related symptoms or tested positive for COVID 19;
- The CEO must report on a weekly basis, in writing, to the Business Process Enabling South Africa ("**BPESA**")[9] on the following:
  - Staff numbers
  - Staff wellness
  - Service activity
  - Compliance
  - Measures taken to limit employee numbers, ensure personal hygiene and disinfection and enforce social distancing

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[1] See the President's announcement on Sunday, 15 March 2020 declaring the outbreak a National State of Disaster, his subsequent announcement on 23 March 2020 in which he placed the country (including all businesses other than essential services) in a period of shutdown as from 27 March to 16 April 2020 and the further announcement on 9 April 2020 wherein the President extended the lockdown until end April 2020 ("**Lockdown Period**").

[2] A copy of the Regulations may be downloaded **here**.

[3] As per the definition of "*call centre*" at paragraph 1.2 of Regulation 459 and item b.30 of Annexure B to the Disaster Management Act No. 57 of 2002 ("**DMA**") and the regulations issued thereunder and published on 18 March 2020 and amended on 25 March 2020 and on 26 March 2020 ("**Regulations**").

[4] Defined at paragraph 1.3 in Regulation 459 as "*the Chief Operating Officer of a business operating a call centre which provides essential services*".

[5] Defined in section 1 of the Regulations as "*include[ing] a member of the South African Police Service, the South African National Defence Force and a peace officer as defined in section 1 of the Criminal Procedure Act*"

[7] Defined at paragraph 1.6 in Regulation 459 as "*an occupational medical practitioner or a person who holds a qualification in occupational health recognised by the South African Interim Nursing Council*"

[8] The Clinical Management of suspected or confirmed COVID 19 disease (version 3, 27 March 2020, pages 14 & 15) can be downloaded **here**

[9] The BPESA contact website may be accessed **here**.



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