

EMPLOYMENT

Temporary Employer / Employee Relief Scheme (“TERS”) update

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On 20 April 2021 the Minister of Employment and Labour published a new direction (“**the Direction**”) in relation to the Covid-19 Temporary Employer / Employee Relief Scheme (“**TERS**”).

The Direction is, in large part, the same as the direction published on 3 March 2021. Our update regarding this direction can be accessed at <https://werksmans.com/legal-updates-and-opinions/urgent-update-extension-of-covid-19-temporary-employer-employee-relief-scheme-TERS/>.

The primary change provided for in the Direction is contained in clause 4.2 which provides as follows:

“4.2. In order to prove that an employer is unable to make alternative arrangements for vulnerable employees to work from home or take alternative measures, and to prove that an employee is in quarantine or isolation and is entitled to benefits the following is required of the employer;

4.2.1 Must submit the categories of data in (a) to (e) below to the National Institute for Occupational Health in the manner set out in the National Department of Health Guidelines;

- each employee's vulnerability status for serious outcomes of a Covid-19 infection;*
- details of the Covid-19 screening of employees who are symptomatic;*
- details of employees who test positive in terms of a positive laboratory test for the Covid-19 virus;*
- details of employees identified as high risk contacts within the workplace if a worker has been confirmed as being positive; and*
- details on the post-infection outcomes of those testing positive, including the return to work assessment outcome.*

4.2.2 The employee declaration returns by the employer will confirm loss of income and thus inability to make alternative arrangements for the affected employees.”

The Direction is deemed to commence on 16 October 2020 and remains in operation until 15 March 2021.



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