

EMPLOYMENT

Urgent update: COVID-19 Temporary Employer / Employee Relief Scheme (“TERS”)

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by Jacques van Wyk, Director; Andre van Heerden, Senior Associate; and Thabisa Yantolo, Candidate Attorney

On 13 August 2020 the Minister of Employment and Labour, Thembelani Waltermade Nxesi (“**Minister**”) published the Direction extending the COVID-19 TERS benefits for certain categories of employees (“**Direction**”). The Direction is deemed to have commenced on 27 June 2020. The Direction will remain in operation until 15 August 2020.

The Direction incorporates the provisions of the previous lapsed direction regulating TERS, subject to new provisions which have been inserted. The new provisions are aimed at, among others, stipulating the employees who qualify for benefits and clarifying aspects of the previous direction.

The TERS benefit is available for employees whose employers are: –

- Not permitted to commence operations either partially or in full in terms of the Regulations published in terms of the Disaster Management Act 57 of 2002 (“**Regulations**”);
- Unable to make alternative arrangements for vulnerable employees, as defined, to work from home or are unable to take the measures contemplated in the Occupational Health and Safety Direction (“**OHS Direction**”); or
- Unable to fully or partially make use of their services due to operational requirements based on economic, technological, structural or similar needs of the employer due to compliance with the Regulations or directions. Examples include the need to limit the number of employees at the workplace through rostering, staggering of working hours, short time and the introduction of shift systems.

An employer or employee may continue to claim the COVID-19 TERS benefits from 1 July 2020.

In addition, the Department of Employment and Labour (“**Department**”) released a statement on 12 August 2020 (“**Statement**”). Key aspects of the Statement include the following: –

- The UIF will begin processing applications for July / August 2020 from 17 August 2020;
- The application process remains the same;
- The UIF will issue a letter to employers who have applied for TERS benefits explaining the process to be followed when making applications for the extended period;
- The FAQ’s will be updated on the Department’s website; and
- The cut-off dates for April and May applications will be 15 September 2020.

A copy of the Statement can be accessed at (<http://www.labour.gov.za/uif-to-start-opening-and-processing-covid-19-ters-benefits-for-the-extended-period-from-next-week-while-winding-down-outsta>).



Andre van Heerden

Director

[View Profile](#)



Jacques van Wyk

Director

[View Profile](#)