WERKSMANS
ATTORNEYS

EMPLOYMENT

Urgent update: directions regarding e-commerce sales during Alert Level 4 of the COVID-19 national state of disaster

15 May 2020 *3 min read*

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

On 14 May 2020 the Minister of Trade, Industry and Competition, Mr Ebrahim Patel, signed Directions ("**Directions**") in terms of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of the Disaster Management Act. The Directions were published, by way of Government Gazette, on the same day. The Directions provide clarity on the goods which may be transacted through e-Commerce platforms and the minimum protocols which must be observed by retailers, couriers or delivery services and customers in respect of goods transacted through e-Commerce. The Directions were effective 14 May 2020.

Goods which may be transacted through e-Commerce platforms

'e-Commerce' is defined as "the buying and selling of goods using telephones and digital platforms, including the internet and mobile phone based applications, and for this purpose includes goods to be delivered by a courier or delivery service." Subject to all applicable laws, all goods may be transacted through e-Commerce platforms, except for liquor and tobacco products, e-cigarettes and related products.

Retailers must give prominence to those goods which are manufactured in the Republic of South Africa. Retailers must provide for as many payment options as possible for consumers that are based on reducing risks of transmission, and enabling poorer consumers to access delivery services.

Retailers must put in place protocols dealing with, among other written guidelines for customers on how to safely disinfect goods, collection protocols and health and safety protocols.

Health and safety protocols

The Directions provide protocols that must be following by all retailers using e-Commerce, e-Commerce courier or delivery services and customers.

The protocols require retailers, courier and delivery services to adhere to all regulations and directions in respect of hygienic workplace conditions and the potential exposure of employees to COVID-19. In particular, they are required to adhere to adhere to the Covid-19 Occupational Health and Safety Measures Workplaces directions issued by the Minister of Employment and Labour and published, by way of Government Gazette, on 29 April 2020. The protocols include additional health and safety measures to be implemented such as the requirement that each employees' temperature be taken at scheduled times.

The protocols for customers addresses issues such as the use of masks, social distancing and the disinfection of goods.

Should you require any formal advice, including further details on the protocols to be implemented, please do not hesitate to contact us.



Andre van Heerden

Director

View Profile



Jacques van Wyk

Director

View Profile