



**PHSDSBC**

Public Health and Social Development  
Sectoral Bargaining Council

**URGENT MEMORANDUM TO ALL PHSDSBC STAKEHOLDERS ON  
MEASURES TO COMBAT THE SPREAD OF THE COVID-19  
PANDEMIC**

*Contextual Background*

- [1] The World Health Organisation has declared the coronavirus outbreak as a global pandemic.
  
- [2] Coronaviruses (CoV) are a large family of viruses that cause illness, ranging from the common cold to more severe diseases such as the Middle East Respiratory Syndrome (MERS-CoV) and Severe Acute Respiratory Syndrome (SARS-CoV).
  
- [3] Common signs of infection include respiratory symptoms, fever, cough, shortness of breath and breathing difficulties. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome, kidney failure and even death.

- [4] Standard recommendations to prevent the spread of infection include regular hand washing, covering mouth and nose when coughing and sneezing, thoroughly cooking meat and eggs and avoiding close contact with anyone showing symptoms of respiratory illness, such as coughing and sneezing.
- [5] In light of this pandemic, the President of the Republic of South Africa, Honourable Cyril Ramaphosa, has issued a directive, that inter alia, has declared South Africa a National State of Disaster, in terms of the Disaster Management Act, 57 of 2002.

*Guidelines, Directives and Protocols*

- [6] Pursuant to the directive by the Honourable President, the following institutions also issued their guidelines, directives and protocols:
- a. The Department of Public Service and Administration issued guidelines for the containment of the coronavirus in the public service;
  - b. The Department of Health issued its directives and guidelines on dealing with COVID-19;
  - c. The National Institute for Communicable Diseases issued its protocols on combating COVID-19;
  - d. The Commission for Conciliation, Mediation and Arbitration issued its directive in respect of the response to COVID-19; and
  - e. The Public Service Co-ordinating Bargaining Council issued communication on its processes in response to COVID-19.

[7] It is against this backdrop that the PHSDSBC, hereby issues this memorandum on its measures to combat the spread of COVID-19, which should be read in conjunction with the aforementioned guidelines, directives and protocols.

### *Legal Obligations of PHSDSBC*

[8] Section 8 of the Occupational Health and Safety Act (“the OHSA”), 85 of 1993 requires the PHSDSBC to provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of its employees.

[9] This duty includes (i) taking steps to eliminate or mitigate any hazard or potential hazard, before resorting to personal protective equipment; (ii) providing information, instruction, training and supervision that may be necessary to ensure the health and safety of employees at work; and (iii) enforcing such measures, as may be necessary, in the interests of health and safety. Section 9 extends these duties to persons, other than those in its employment, who are affected by the PHSDSBC’s activities.

[10] The General Safety Regulations, published under the OHSA, prohibit the PHSDSBC from permitting a person to enter a workplace, where the health and safety of such person is at risk.

[11] The PHSDSBC may accordingly impose rules on their employees, in order to ensure a safe working environment and, in addition, it may place conditions for entry to its premises. The PHSDSBC may prohibit persons from its premises, if they do not abide by these rules. It is on this basis that the following measures have been

developed and will apply with effect from **20 March 2020 until 14 April 2020**, inclusive of both dates.

*Measures to Combat Spread of COVID-19*

[12] In order to practice and promote high levels of hygiene and social distancing, all contact processes, involving face to face interaction, with the stakeholders of the PHSDSBC are hereby postponed, subject to paragraph 11 above.

[13] All contact meetings of the PHSDSBC, including Council, Committees, Chambers, Task Teams and Workshops are hereby suspended with effect from **20 March 2020 until 14 April 2020**. For all urgent and critical meetings, the PHSDSBC shall endeavor to make use of virtual meeting platforms, which enable a meeting to be conducted entirely through electronic means, including the usage of teleconferencing. Only in exceptional and extraordinary circumstances, may a contact meeting be held, with a limited number of people, not exceeding ten (10), (one representative per trade union, which amounts to four (4) representatives and the equivalent (4) of the Employer, one (1) Secretariat and the Chairperson; subject to stringent health and safety precautionary measures, as provided for in the guidelines, directives and protocols, as per paragraph 6 above.

[14] With regards to the dispute management processes, all matters that have been set down between **20 March 2020 up to and including 14 April 2020**, are hereby postponed, subject to paragraph 11 above.

[15] All new referrals, pending set down dates, will only be scheduled **after 14 April 2020**, (i) subject to a further assessment on the status and impact of the coronavirus that may be issued by the South African Government. The suspended or cancelled matters will receive preference for re-scheduling.

[16] No person/s will be allowed to physically visit any of the PHSDSBC offices for purposes of enquiries and/or serving/delivering any documents. The PHSDSBC will only accept referrals received through non-contact methods, such as email or fax, as contained in rule 1 of the PHSDSBC Rules for Conduct of Proceedings.

[17] The Panellist Contract and/or Fee Structure Policy shall apply to cancellations. Clause 6 on cancellations provides that:

- “6.1 [t]he following shall apply to every postponement or cancellation.
- 6.1.1 A panellist shall have the discretion to charge up to 100% of his/her full fee for an event that has been confirmed, in writing, by the Council and where the event is cancelled/postponed within one working day before the date set for the event.”

[18] Notwithstanding the aforementioned measures, and in the interest of ensuring that social justice is not adversely affected, the PHSDSBC has created the following exceptions:

- a. The conciliation process may continue to be conducted telephonically, if it is agreed to, by the PHSDSBC, the parties to the dispute and the panellist, in writing.
- b. Panelists may attempt to resolve the disputes using telephonic or online methods prescribed and approved by the PHSDSBC.

- c. All conciliation matters, not set down within the prescribed thirty (30) days turnaround time, the certificate of non-resolution shall be issued by the PHSDSBC.
- d. In the event that the PHSDSBC identifies a redline dispute or a dispute that involves public interest, it will exercise its discretion to set down the dispute, subject to the following conditions:
  - i. The PHSDSBC, the parties and the panellist, agree, in writing.
  - ii. The venue utilised for such a matter adheres to all the health and safety conditions, in line with paragraph 6 above.

[19] The PHSDSBC will continue to monitor the situation actively and take appropriate measures or additional precautions if necessary. We will keep you posted on any latest developments.

[20] All enquiries concerning anything relating to this memorandum may be directed to [Covid19\\_enquiries@phsdsbc.org.za](mailto:Covid19_enquiries@phsdsbc.org.za) or call 012 765 5186 OR 012 765 5181.

Working together to combat the spread of COVID -19.

Yours faithfully



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Mpumelelo Sibiyi

PHSDSBC: General Secretary

19 March 2020