

Covid-19 Regulations that may apply to UKZN

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	Level
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HIGHER EDUCATION

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APRIL 2020		
43236 17 April 2020	<p>EXTENSION DATES FOR THE POST -SCHOOL EDUCATION AND TRAINING (PSET) INSTITUTIONS (PUBLIC AND PRIVATE HIGHER EDUCATIONINSTITUTIONS AS WELLAS PUBLIC COLLEGES) UNDER THE AUSPICES OF THEDEPARTMENT OF HIGHER EDUCATION AND TRAINING</p> <p>1. The relevant functionary or institution, for the 2019/20 financial year, is exempted from complying with the deadlines in the Higher Education Act, the Continuing Education and Training Act and any regulation made or instruction issued in terms of these acts, where such deadlines fall within the period 31 March 2020 to 31 July2020.</p> <p>2. Due to the current lockdown regarding the movement of persons and goods as a result of the national state of disaster that has been extended to 30 April 2020, institutions must comply with the relevant provisions of the applicable Acts and prescribed date(s)applicable to them within two (2) months after the deadline in the applicable provision.</p>	<p>To All areas of UKZN that have to comply with legislative reporting requirements in terms of the Higher Education Act.</p>

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<p>43237 as amended by 43255</p> <p>29 April 2020</p>	<p>Section 4. Directive Relating to Essential goods and Services for Higher Education Institutions</p> <p>a) Information and Communication Technology devices (such as desktops, laptops, modems and other devices) for education purposes.</p> <p>b) Gases, liquids and chemicals used in the preservation of biological samples and maintenance of equipment and machinery.</p> <p>c) Animal feed for laboratory and farm animals.</p> <p>d) Printed materials to support learning and teaching, which may include textbooks, printed learning materials in other forms, and electronic devices with learning materials.</p> <p>e) Stationery products needed to support teaching and learning.</p> <p>f) Raw materials and technical products used in research and development and the manufacture of products supporting the response to COVID -19.</p> <p>g) Production of radio -pharmaceutical products, radioactive isotopes and devices that are used in the nuclear medicine industry for diagnostic and therapeutic medical procedures. Included in this category is the production and distribution of:</p> <p>. Sr -82 used for the preparation of 82Sr /82Rb generators for myocardial perfusion PET imaging, and</p> <p>ii. Ge- 68/Ga -68 generator used for the PET diagnosis of neuroendocrine tumours.</p> <p>The transport of such goods between suppliers, institutions and students in the higher education and training, and science,</p>	<p>UKZN ICS; the Academic Sector; The College of Agriculture, Engineering and Science; The College of Health Sciences; any other area of UKZN to which the regulations may be relevant.</p>

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	technology and innovation sectors is declared an essential service.	



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<u>MAY 2020</u>		
43352 26 May 2020	<p>SCHEDULE The purpose of the directions is to:</p> <p>(a) Allow for the once off travel of final year medical students studying at public higher education institutions to travel from their homes to the university campus where they are registered for study during the period 8 -31 May 2020.</p> <p>(b) Permit the recommencement of the academic year for final year medical students at South African public universities with effect from 11 May 2020.</p> <p>(c) Permit the travel of final year medical students to and from their place of residence to university campuses and training, sites to allow for their academic and clinical work to continue during this period.</p>	Health Sciences: the directions are self-explanatory.

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<u>JUNE 2020</u>		
43378 1 June 2020	<p>DIRECTIONS FOR THE RESUMPTION OF CONSTRUCTION AND RELATED SERVICES IN POST SCHOOL EDUCATION AND TRAINING INSTITUTIONS</p> <p>...</p> <p>2. Application of Directions These directions apply to -</p> <p>a) Construction of new buildings, facilities and services required for or to enable teaching, learning and research;</p> <p>b) Maintenance, extension, upgrading or refurbishment of existing buildings, facilities and services required for or to enable teaching, learning and research; and</p> <p>c) Student housing developments.</p>	Infrastructure, Planning and Projects (IPP). These regulations appear to allow for the resumption of construction activities within the University environment. IPP has received correspondence from DHET outlining the process to follow with regard to allowing construction activities to continue on the campus sites.
	<p>3. Scope These directions are enacted in support of the following:</p> <p>...</p> <p>b) Public universities</p> <p>...</p>	IPP: Self-explanatory
	<p>4. Purpose of Directions The purpose of these directions are to:</p> <p>(a) Permit under Alert Level 4, the resumption of construction and related services by the Department and the institutions mentioned above, subject to compliance with regulations for addressing, preventing and combating the spread of COVID-19 as well as legislation and regulations applicable to construction and related services.</p>	Infrastructure, Planning and Projects (IPP). These regulations appear to allow for the resumption of construction activities within the University environment. IPP has received correspondence from DHET outlining the process to follow with regard to allowing construction activities to continue on the campus sites.

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<p>43414</p> <p>08 June 2020</p>	<p>1. Background and principles</p> <p>...</p> <p>HEIs must take the following key factors into consideration when developing their plans for the return to campuses and residences:</p> <ul style="list-style-type: none"> • In order to enable effective implementation of the phase-in of activities and to regulate the numbers of students on campuses, including in residences, all students and staff who are able to work remotely should be encouraged to stay at home. • Students and staff should only come to campuses under exceptional circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work; • The social impact of the lockdown requires consideration for students whose living conditions at home are such that they are not in a position to participate meaningfully in remote teaching and learning; • The academic size and shape of the institution, including the numbers of students requiring clinical training, work integrated learning, and access to laboratories and equipment; 	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, Human Resources, the task team responsible for the plan for the return to campus-based teaching: this factor should be incorporated into the return to work phase-in plan, and the plan for the return to campus-based teaching.</p> <p>See above.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching. Contact should be made with the student body to ascertain which students are not able to participate in remote teaching.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching: self-explanatory.</p>

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	<ul style="list-style-type: none"> • The design of teaching and learning spaces at the institution and their conduciveness for physical distancing and social solidarity; • The readiness of institutions to practice non-pharmaceutical interventions (such as the wearing of cloth masks, physical distancing, hand hygiene, etc.) to prevent the spread or outbreaks of COVID-19; • The number, size and distribution of residences for students, particularly the need to minimise sharing of 	<p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Campus Management Services, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness): support sector functions, specifically aimed at UKZN employees, are included as these spaces are also utilised by UKZN members of staff. Physical distancing of a minimum of 1,5m is required.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Campus Management Services, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Corporate Relations: support sector functions, specifically aimed at UKZN employees are included to make items such as cloth masks and sanitisers available for members of staff. The afore-mentioned task team to attend to the process and procedure for acquiring such items for the student body.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the</p>

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	<p>rooms and to ensure that physical distancing in public areas of residences and dining halls is maintained;</p> <ul style="list-style-type: none"> • An assessment of the physical infrastructure of each campus to ensure that reintegration is managed within the necessary protocols; • An assessment of clinical training platforms and practical placement facilities for students; and 	<p>return to campus-based teaching, Student Housing, Campus Management Services, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness): support sector functions, specifically aimed at UKZN employees, are included as these spaces are also utilised by UKZN members of staff. Seating arrangements to be at least 2m apart and all surfaces to be frequently cleaned (as provided for in these directions).</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Campus Management Services, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), support sector functions, specifically aimed at UKZN employees, are included as these spaces are also utilised by UKZN members of staff. The protocols mentioned could be a referral to the published OHS regulations/directives and the sector specific guidelines issued by Higher Health.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Campus Management Services, Occupational Health</p>

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	<ul style="list-style-type: none"> • Transport arrangements for students and staff. • Students and staff with underlying illnesses must be afforded the opportunity to study and/or work remotely until institutions resume with normal operations. 	<p>and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Colleges that require the use of clinical training platforms and practical placement facilities: support sector functions, specifically aimed at UKZN employees, are included as these spaces are also utilised by UKZN members of staff. The assessment mentioned could be a referral to the published OHS regulations/directives and the sector specific guidelines issued by Higher Health.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Student Services, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Colleges that provided transport for students: consideration should be given to the regulations published in terms of which modes of transport are to be maintained during the lockdown period.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, Human Resources, the task team responsible for the plan for the return to campus-based teaching: this factor should be incorporated into the return to work phase-in</p>

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	<p>The criteria in this document are:</p> <ul style="list-style-type: none"> • National guidelines for institutions to develop specific phase-in plans for the return of students and staff to campuses and residences. • Phase-in plans must be submitted to the Department of Higher Education and Training (For public institutions: Mampane.g@dhet.gov.za... • The implementation of phase-in plans will be monitored by the Department. • Phase-in plans must be communicated to staff and students and implemented at the institutional level. 	<p>plan, and the plan for the return to campus-based teaching.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, Human Resources, the task team responsible for the plan for the return to campus-based teaching, Student Housing: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, Human Resources, the task team responsible for the plan for the return to campus-based teaching: self-explanatory.</p> <p>See above.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, Human Resources, the task team responsible for the plan for the return to campus-based teaching, Corporate Relations: self-explanatory.</p>
	<p>Campus readiness and preparation</p> <p>All private and public higher education institutions must ensure that their infrastructure and facilities meet the requirements for the return of staff and students.</p>	<p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Student Services, Occupational Health and Safety/Health Safety and Environment, Human</p>

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	<p>No student or staff member should return to campus or residences until they have received communication from their institution that they are able to do so. Once the institution has confirmed that it is ready for their return, and they have agreed to the necessary code of conduct, then the individuals recalled may do so. They must also ensure that they are in possession of the relevant permit for return before traveling to the campus.</p> <p>All institutions must have campus readiness plans in place which meet the requirements of the various health and safety directives published by the Department of Employment and Labour on the 29th April 2020 (Government Gazette No. 43257) to respond to the COVID-19 pandemic.</p> <p>Higher Health has also published guidelines to assist institutions to put relevant protocols in place and these should be adhered to at the institutional level. A check list will be sent to all HEIs to assist them to adhere to the necessary protocols.</p>	<p>Resources (Employee Wellness): self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, The Registrar, Corporate Relations, Human Resources: a code of conduct for the COVID-19 pandemic is to be drafted and persons who are authorised to return to the campuses, must agree to same, prior to returning to the campuses.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness): note that the reference is incorrect as gazette 43257 has been replaced by 43400.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness): the guidelines are on the Legal Services COVID-19 webpage. Once the University is in receipt of the check list, same</p>

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	<p>All institutions must identify isolation and quarantine facilities and develop and publicise protocols for any staff or students who present with symptoms or test positive. Testing and contact tracing will be supported by the National Institute of Communicable Diseases (NICD), the National Department of Health (NDoH) and Provincial Health Departments.</p> <p>Each institution must complete a risk assessment for the return of employees and students in line with the regulations for each campus/site of delivery.</p> <p>Provision must be made for: sanitisation; screening of staff, students and general public entering the institution; and the provision of masks and other appropriate personal protective equipment.</p> <p>Guidance for students/staff regarding age vulnerabilities and the prevalence of co-morbidities must be in place. Campus Health Clinics, where in place, should be guided by the NICD protocols and the NDoH guidelines to handle cases for referral if they arise and in public institutions will be supported by Higher Health with the necessary training and advice.</p>	<p>should also be placed on the web page for ease of reference.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Campus Management Services, ICS: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services, Corporate Relations: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, Human Resources, the task team responsible for the plan for the return to campus-based teaching, Student Services: the Campus Health Clinics to obtain the NICD protocols and the NDoH guidelines.</p>

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	<p>All institutions must have a COVID-19 Response Task Team in place, in line with regulations, to ensure responsiveness to ongoing issues.</p>	<p>The COVID-19 Compliance Officer/Manager to facilitate this.</p>
	<p>2. Return to campuses for contact classes</p> <p>Daily screening (and COVID-19 testing where symptoms dictate) of all staff and students entering the campus must be put in place. Higher Health has developed a mobile application which is available to all institutions and may be utilised for daily screening. They have also developed processes to support public institutions through a volunteer programme.</p> <p>Hand sanitisers must be available at the entrance of every facility in use. Ongoing cleaning and sanitising of all surfaces must be undertaken at regular intervals in line with the regulations.</p> <p>High risk areas, for example the library and laboratories in use, must be identified and regularly monitored. Frequent cleaning and sanitising in these areas should be implemented.</p>	<p>The COVID-19 Compliance Officer/Manager, ICS: UKZN has developed its own app, which must be updated as and when required to do so, by regulations/directives that are published. Staff and students must answer the questions each and every time they enter University premises and entry should be denied, if the requirements per the app are not met.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Campus Management Services, Corporate Relations: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Campus Management Services, all Colleges that make use of laboratories, the various UKZN libraries: self-explanatory.</p>

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	<p>Each institution must utilise the national criteria and develop their own phase-in plan for each level of the risk adjusted strategy.</p> <p>Control over the return to campus will be through the issuing of permits at the institutional level. Institutions should put measures in place to prevent fraudulent permits being issued. Each institution will communicate directly with its own students and staff to inform them of the phase-in plan.</p> <p>Each institution must implement their teaching and learning plan to ensure that physical distancing and other health protocols are observed at all times. This implies the implementation of blended learning methodologies, flipped classrooms, carousel and block contact teaching, and so on. Large class teaching with more than 50 people in a venue is prohibited throughout. Any smaller classes where appropriate physical distancing cannot be observed are also prohibited.</p>	<p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources, the task team responsible for the plan for the return to campus-based teaching, the various unions: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, The Registrar, Corporate Relations, ICS: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Teaching and Learning, Human Resources (Employee Wellness), Campus Management Services, all Colleges, the task team responsible for the plan for the return to campus-based teaching: self-explanatory.</p>
	<p>3. Return to Residences (on-campus, HEI managed/ leased off campus, and private residences)</p> <p>Plans for the return of students to residences in a phased manner should be in place in line with the following principles:</p> <ul style="list-style-type: none"> • Students returning to residences should be identified at institutional level, concomitant with numbers that can be accommodated to enable physical distancing, the 	<p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee</p>

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	<p>handling of communal spaces, hygiene requirements and dining hall arrangements.</p> <ul style="list-style-type: none"> • Students identified to return for contact teaching in terms of the phase-in plans may return to HEI managed/ leased residences before classes begin, provided the maximum percentage per residence identified for the level (Level 3 - 33%; Level 2 - 66%) is adhered to and all health and safety protocols are in place. Any deviation above these levels would require approval from the Department, and would need to show capacity to manage the strict protocols necessary. • Students who live in private rented accommodation close to campuses may return, but their access to campus must be restricted to keep the campus population to one-third of the capacity, consistent with Level 3 risk for spread of the infection. Their access to residence must be managed as with all other students, subject to regular screening when entering residences. • Students and staff in residences will have to sign a code of conduct to ensure that they adhere to the strict regulations in place. 	<p>Wellness), Campus Management Services, Student Housing, the task team responsible for the plan for the return to campus-based teaching: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Campus Management Services, Student Housing, the task team responsible for the plan for the return to campus-based teaching: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources (Employee Wellness), Campus Management Services, Student Housing, the task team responsible for the plan for the return to campus-based teaching, Risk Management Services: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching: a code of conduct for the COVID-19 pandemic is to be</p>

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	<ul style="list-style-type: none"> • Social solidarity must be encouraged to ensure the health and safety of all in the residences. • Institutions must identify the specific students who may return to residences and provide permits to enable their return. (This implies that some students who may be permitted to return to residences may be supported though remote teaching and learning methodologies and will not return to campus for contact teaching - footnote.) 	<p>drafted and persons who are authorised to return to the campuses, must agree to same, prior to returning to the campuses.</p> <p>All divisions of UKZN: “social solidarity” per these directives, is stated as follows, “...social solidarity is required for all to work together and cooperate to ensure the health and safety of all.”</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching. The Registrar, ICS: self-explanatory.</p>
	<p>4. Risk adjusted strategy for the return of students to campuses/ delivery sites for teaching and learning</p> <p>At all levels and at all times, screening, the use of masks, hand washing/ sanitising and physical distancing is required of all staff and students.</p> <p>Based on their risk adjusted plan for each Level, institutions will make arrangements for the students identified to return to campuses according to the criteria for the Level. Institutions will have two weeks from the date of the implementation of the Level to ensure that all preparation has been done in terms of the health and safety protocols and that campuses and</p>	<p>All divisions of UKZN: self-explanatory.</p> <p>The COVID-19 Compliance Officer/Manager, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services, Student Housing, the task team responsible for the plan for the return to campus-based teaching, Corporate</p>

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	<p>residences are ready to receive students. This will also enable staff and students to make safe travel arrangements.</p> <p>International students who returned to their home countries during the lockdown will only be permitted to return to campuses when Level 1 of the strategy is announced. These international students will be supported through remote learning support until they return. Tailored catch up plans will be implemented when they return.</p>	<p>Relations: self-explanatory, please take note of the time frame.</p> <p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, The International Relations Office: self-explanatory.</p>
	<p>Level 4 Limited and controlled return of students to campuses:</p> <ul style="list-style-type: none"> • Final year students in programmes requiring clinical training return to campuses, starting with medicine (MBChB) and phasing-in of all other programmes (List of programmes included is attached at Annexure A). <p>All other students are supported through remote multimodal teaching, learning and assessment until they can return to campus.</p>	<p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services, Student Housing, Student Services, all Colleges, ICS: self-explanatory.</p>
	<p>Level 3 A maximum of 33% of the student population return to each campus/delivery* site for teaching, learning and assessment, in line with the following criteria:</p> <ul style="list-style-type: none"> • All groups that have already returned during alert level 4. • Students in the final year of their programmes, who are on a path to graduating in 2020 may return**. 	<p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services, Student Housing, Student Services, all Colleges, ICS: self-</p>

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	<ul style="list-style-type: none"> • Students in all years of study that require clinical training in their programmes (provided that the campus and the clinical training platforms are prepared and have sufficient space to accommodate them within the corresponding risk level maximum carrying capacity and any while adhering to the safety protocols). • Post Graduate students who require laboratory equipment and other technical equipment to undertake their studies return to campuses. <p>All other students are supported through remote multimodal teaching learning and assessment until they can return to campus.</p> <p>It is recognised that some institutions may identify other groups of students in line with their particular context. However, any deviation from the criteria identified above must be approved by the Department of Higher Education and Training, and must fall within the maximum of 33% of the student population.</p> <p>(footnotes: * This should be managed per campus in multi-campus/ multi-site institutions.</p> <p>** It is recognised that during Level 3 blended learning, on-line and other modalities will still be in place due to the need for physical distancing, and therefore it may not be necessary for all final year students to return physically to campuses.</p>	<p>explanatory – please see the directive/regulation relating to the “maximum carrying capacity”, under Level 2 below. Note that the directives/regulations imply that there must be a maximum of 33% of the student population per campus site.</p>

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	<p>Students who are able to work remotely, and only return to campuses when necessary to access the libraries and other facilities should be encouraged to do so. This should be managed at the institutional level and on the basis of controlled access to campuses in line with distancing protocols. The return of final year students to work integrated learning platforms will be limited by the opening up of these platforms in the economy during Level 3.)</p>	
	<p>Level 2 A maximum of 66% of the student population return to campus* for teaching, learning and assessment in line with the following criteria:</p> <ul style="list-style-type: none"> • All groups that have already returned or had been prioritised to return in Level 3, but couldn't be accommodate due the maximum campus carrying capacity having been reached; • Students in all years of study who require laboratory and technical equipment to complete the academic year; • Students in all years of study who require practical placements/ experiential learning/ work place based learning to complete the academic year (provided the work places and platforms are open and prepared). • First year students in all undergraduate programmes. <p>All other students are supported through remote multimodal teaching learning and assessment until they can return to campus.</p>	<p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services, Student Housing, Student Services, all Colleges, ICS: self-explanatory. Note that the directives/regulations imply that there must be a maximum of 66% of the student population per campus site.</p>

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	<p>It is recognised that some institutions may identify other groups of students in line with their particular context. However, any deviation from this criteria must be approved by the Department of Higher Education and Training, and must fall within the maximum of 66% of the student population.</p> <p>(footnote:* This should be managed per campus in multi-campus/ multi-site institutions)</p>	
	<p>Annexure A Programmes requiring clinical training for phased-in return under Level 4 and 3.</p> <p>Level 4 Final year students in the following programmes: Bachelor of Dental Science Bachelor of Dental Surgery Bachelor of Medicine and Surgery Diploma: Nursing Bachelor of Science: Nursing Bachelor of Veterinary Science</p> <p>Level 3 Students in the following programmes requiring clinical training, provided that the clinical training platforms are prepared and have sufficient space to accommodate them while adhering to the safety protocols: Diploma in Agriculture Bachelor/Diploma: Animal Health Bachelor of Audiology</p>	<p>The COVID-19 Compliance Officer/Manager, the task team responsible for the plan for the return to campus-based teaching, Occupational Health and Safety/Health Safety and Environment, Human Resources, Campus Management Services, Student Housing, Student Services, all Colleges, ICS: self-explanatory.</p>

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	<p>Bachelor of Science in Biokinetics Bachelor/Diploma: Biomedical Technology Bachelor of Clinical Medical Practice Bachelor of Health Science in Clinical Technology Diploma of Chiropractic Bachelor of Science in Complementary Medicine Higher Certificate Dental Assisting Bachelor of Dental Science Bachelor of Dental Surgery Diploma of Dental Technology Bachelor of Dental Therapy Bachelor of Dentistry Bachelor of Science: Dietetics/Nutrition Bachelor/Diploma: Emergency Medical Care Bachelor of Environmental Health Bachelor of Science: Health Promotion Bachelor of Health Sciences Bachelor of Medicine and Surgery Bachelor of Sciences (Medical Laboratory Science) Diploma/Bachelor: Medical Orthotics and Prosthetics Diploma/Bachelor of Science: Nursing Bachelor of Science in Physiotherapy Bachelor of Science in Occupational Therapy Bachelor in Optometry Bachelor of Health Oral Health/Hygiene Bachelor of Pharmacy Bachelor of Technology Podiatry Bachelor of Psychology Bachelor/Diploma: Radiography/Ultrasound</p>	

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	Bachelor of Speech, Language and Hearing Therapy Bachelor of Science in Speech, Language Pathology and Audiology Bachelor of Social Work Bachelor of Sport Coaching Diploma: Veterinary Technology Bachelor of Veterinary Science	

CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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APRIL 2020		
43258 issued on 29 April 2020, as amended by 43364 on 28 May 2020, 43476 on 25 June 2020, 43521 on 12 July 2020, 43577 on 31 July 2020 and 43620 on 17 August 2020	DETERMINATION OF ALERT LEVEL Alert Level 2 will apply nationally from 00H01 on 18 August 2020.	All divisions of UKZN: self-explanatory
	<p>Determination of Alert Level</p> <p>3. (1) The Cabinet member responsible for cooperative governance and traditional affairs must upon the recommendation of the Cabinet member responsible for health and in consultation with Cabinet, determine by notice in the <i>Gazette</i>, which of the following Alert Levels apply at a national, provincial, metropolitan or district level or in a hotspot:</p> <p>(a) 'Alert Level 1'; (b) 'Alert Level 2'; (c) 'Alert Level 3'; (d) 'Alert Level 4'; and (e) 'Alert Level 5'.</p> <p>(2) The Alert Level determined to apply at a national level applies to all provinces, metropolitan areas and districts, unless a different alert level is otherwise determined.</p> <p>(3) Movement of persons may be restricted in and out of a hotspot.</p>	All divisions of UKZN – note that the Ethekewini Metro area (where several of the UKZN campuses are located) has been identified as a “hotspot” in terms of the COVID-19 infection rate. As such, should it be determined by the relevant Ministers in Cabinet, additional restrictions may apply to the Ethekewini Metro area in the future.

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	<p>(4) The Cabinet member responsible for health must after consultation with the member of the Executive Council responsible for health of the relevant province identify a hotspot by taking into account—</p> <p>(a) the number of active cases per 100,000 population;</p> <p>(b) the rate of increase of active cases;</p> <p>(c) the availability of hospital beds and related resources; and</p> <p>(d) any other factor relevant for the purposes of containment of COVID-19.</p> <p>(5) The Cabinet member responsible for cooperative governance and traditional affairs may upon the recommendation of the Cabinet member responsible for health, determine by notice in the <i>Gazette</i> a hotspot as identified, and the additional restrictions that may apply.</p> <p>(6) The Cabinet member for health shall oversee the implementation of a plan developed in consultation with the member of the Executive Council responsible for health in the relevant province to contain the spread of infection in a hotspot which shall include, but not be restricted to health measures such as intensive surveillance and intervention measures, increased deployment of personnel, increased testing, management of quarantine and isolation sites and increased resources for health services.”</p>	
	<p>Authority to issue directions</p> <p>4. (1) The Cabinet member responsible for health may –</p>	<p>College of Health Sciences and possibly the Research Division as research into the COVID-19 pandemic may be taking place at UKZN.</p>

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	<p>(a)issue directions to address, prevent and combat the spread of COVID -19 in any area of the Republic of South Africa, which directions may include the-</p> <p>...</p> <p>(iv)provision of health equipment, sanitation materials and medical supplies...</p> <p>(3) The Cabinet members responsible for basic and higher education may-</p> <p>(a)issue directions to address, prevent and combat the spread of COVID -19 in all schools and institutions of higher learning; and</p> <p>(b)vary the directions referred to in (a)as the circumstances require..."</p>	<p>All divisions of UKZN</p> <p>The Minister of Higher Education may direct the course of action to be taken in the higher education sector to address, prevent and combat the spread of the Corona Virus or COVID-19 and may change any of the directions provided to suit a change in circumstance.</p>
	<p>General measures to contain the spread of COVID -19</p> <p>5.(1) The wearing of-</p> <p>(a) a cloth face mask;</p> <p>(b) a homemade item; or</p> <p>(c) another appropriate item, that covers the nose and mouth, is mandatory for every person when in a public place;</p> <p>(2) No person will be allowed to-</p> <p>(a) use, operate, perform any service on any form of public transport;</p> <p>(b) enter or be in a building, place or premises, including government buildings, places or premises, used by the public to obtain goods or services; or</p> <p>(c) be in any public open space,</p>	<p>Please note that regulations 5(1) to (6) apply to those divisions of UKZN deemed as performing essential services per Government Gazette 43414, which relates to the resumption of University activities under lockdown level 3.</p>

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	<p>if he or she is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth.</p> <p>(2A) The prohibition in subregulation (2)(c) shall not apply to a person who undertakes vigorous exercise in a public place, provided that the person maintains a distance of at least three metres from any other person, and subject to directions on what is considered to be vigorous, issued by the Cabinet member responsible for health.</p> <p>(3)(a) An employer must provide every employee with a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth, when in the workplace.</p> <p>(b) An employer may not allow any employee to perform any duties or enter the employment premises if the employee is not wearing a cloth face mask, homemade item, or another appropriate item that covers the nose and mouth while performing his or her duties.</p> <p>...</p> <p>(4) Every business premises, including, but not limited to a supermarket, shop, grocery store, retail store, wholesale produce market or pharmacy shall-</p> <p>(a) determine their area of floorspace in square metres;</p> <p>(b) based on the information contemplated in paragraph (a), determine the number of customers and employees that may be inside the premises at any time with adequate space available;</p>	

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	<p>(c) take steps to ensure that persons queuing inside or outside the premises are able to maintain a distance of one and a half metres from each other;</p> <p>(d) provide hand sanitisers for use by the public and employees at the entrance to the premises; and</p> <p>(e) assign, in writing, an employee or any other suitable person as the employee, who must ensure-</p> <p>(i) compliance with the measures provided for in paragraphs (a)to (d); and</p> <p>(ii) that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID -19 are adhered to;</p> <p>(5) All employers must adopt measures to promote physical distancing of employees, including-</p> <p>(a) enabling employees to work from home or minimising the need for employees to be physically present at the workplace:</p> <p>(b) the provision for adequate space</p> <p>(c)restrictions on face to face meetings;</p> <p>(d)special measures for employees with known or disclosed health issues or comorbidities, or with any condition which may place such employees at a higher risk of complications or death if they are infected with COVID -19;</p> <p>(e) special measures for employees above the age of 60 who are at a higher risk of complications or death if they are infected with COVID-19;</p>	<p>With regard to regulation 4(e) please see the comments for regulation 16(6) below.</p> <p>Note that regulation 5(5)(d) does not place an obligation on a member of staff to disclose health conditions or co-morbidities, but rather that where such are known or disclosed, the University should take appropriate measures in respect of those members of staff.</p>

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	<p>(6) The requirements as set out in subregulation (4) applies with the necessary changes to any other building that is not provided for by subregulation (4);</p> <p>(7) All courier and delivery services shall provide for minimized personal contact during delivery.</p>	
	<p>Refusal of medical examination, prophylaxis, treatment, isolation and quarantine</p> <p>6.(1) No person who has been confirmed as a clinical or a laboratory confirmed case as having contracted COVID -19, or who is suspected of having contracted COVID -19. Or who has been in contact with a person who is a carrier of COVID -19, may refuse to-</p> <p>(a)submit to a medical examination, including, but not limited to, the taking of any bodily sample which is authorised in law;</p> <p>(b)be admitted to a health establish mentor a quarantine or isolation site; or</p> <p>(c)submit to mandatory prophylaxis, treatment, isolation or quarantine, in order to prevent transmission:</p> <p>Provided that if a person does not comply with the instruction or order of the enforcement officer, that person must be placed in quarantine for a period not exceeding 48 hours, pending a warrant being issued by a competent Court, on application by an enforcement officer for the medical examination contemplated in paragraph(a).</p>	<p>All divisions of UKZN</p> <p>No person, who is confirmed as or is suspected of having contracted the Corona Virus or COVID 19 may refuse to be subjected to any relevant medical examination and/or any necessary medical intervention that may be required.</p> <p>Should a person not comply with the instruction of an enforcement officer in this regard, such person may be detained in isolation or quarantine, pending the issue of a warrant to subject such person to relevant examination and/or medical intervention.</p>
	<p>Isolation or quarantine of persons</p> <p>7.(2) If a person refuses to quarantine himself or herself. or travel to a site of isolation or quarantined facility as directed, a magistrate in whose jurisdiction such a person is, must make</p>	<p>All divisions of UKZN</p> <p>This section relates to persons who have been confirmed as having contracted the COVID-19</p>

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	<p>an order as contemplated in Form 1 of Annexure A, to compel such a person to quarantine himself for herself, travel to such site of isolation, quarantined facility, or medical screening.</p>	<p>virus and does not accede to instructions to self-isolate or be transferred to a quarantine facility. In such cases a magistrate may issue an order such person to self-isolate or be transferred to a quarantine facility.</p>
	<p>COVID -19 Database</p> <p>8.(2) The National Department of Health shall develop and maintain a national database in order to guide appropriate responses in addressing, preventing or combatting the spread of COVID -19, including contact tracing and geospatial hotspot mapping.</p> <p>(3) The COVID -19 Database may include all information considered necessary for the National Department of Health to guide appropriate responses in addressing, preventing or combatting the spread of COVID -19, including but not limited to:</p> <p>(a) the first name and surname, identity or passport numbers, residential address and other address where such person could be located, and cellular phone numbers of all persons who have been tested for COVID- 19;</p> <p>(b) the COVID -19 test results of all such persons; and</p> <p>(c) the details of the known or suspected contacts of any person who tested positive for COVID -19.</p> <p>(4) The information contained in the COVID -19 Tracing Data base and any information obtained through this regulation is confidential.</p>	<p>All divisions of UKZN</p> <p>These regulations provide for the tracing of persons (by the National Department of Health) who have been in contact with persons confirmed to have the Corona Virus/COVID 19.</p> <p>Such tracing will take place with the assistance of electronic communications service providers.</p> <p>The information obtained, will be compiled into a database and will include the personal details of the individuals traced, including the test results of any medical tests conducted in respect of the Corona Virus/COVID-19.</p> <p>Note the directives of regulation 43414 relating to contact tracing in Higher Education, “Campus Readiness and Preparation</p> <p>Testing and contact tracing will be supported by the National Institute of Communicable Diseases (NICD), the National Department of</p>

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	<p>(5) No person may disclose any information contained in the COVID-19 Database or any information obtained through this regulation unless authorized to do so and unless the disclosure is necessary for the purpose of addressing, preventing or combatting the spread of COVID -19.</p> <p>(6) Where any person is to be tested for COVID -19, the person taking the sample for purposes of testing must obtain as much of the following information as is available at the time of taking the sample-</p> <p>(a)the first name and surname, identity or passport number, residential address, and cellular phone numbers of the person tested; and</p> <p>(b)a copy or photograph of the passport, driver's licence, identity card, identity book of the person tested: and promptly submit this information, along with any information it has regarding likely contacts of the person tested, to the Director -General: Health for inclusion in the COVID-19 Database.</p> <p>(7) Where any laboratory has tested a sample for COVID -19, the laboratory must promptly transmit to the Director-General: Health, for inclusion in the COVID-19 Database –</p> <p>(a)all details the laboratory has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers, regarding the person tested;</p> <p>(b)the COVID -19 test result concerned.</p>	<p>Health (NDoH) and Provincial Health Departments.”</p>

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	<p>(8) The National Institute for Communicable Diseases (NICD) must transmit to the Director -General: Health, for inclusion in the COVID-19 Database –</p> <p>(a) all details the NICD has, including the first name and surname, identity or passport numbers, residential address and cellular phone numbers of any person tested for COVID-19;</p> <p>(b) the results of the COVID -19 test concerned; and</p> <p>(c) any information the NICD has regarding likely contacts of the person tested...</p> <p>(10) The Director -General: Health may, in writing and without prior notice to the person concerned, direct an electronic communications service provider licensed under the Electronic Communications Act, 2005(Act No. 36 of 2005) to provide him or her, for inclusion in the COVID-19 Database, with such information as that electronic communications service provider has available to it regarding-</p> <p>(a) the location or movements of any person known or reasonably suspected to have contracted COVID -19; and</p> <p>(b) the location or movements of any person known or reasonably suspected to have come into contact, during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated with a person contemplated in subparagraph(a),</p> <p>and the electronic communications service provider must promptly comply with the directive concerned.</p> <p>(11) The information referred to in subregulation (10)-</p>	<p>ICS : note that it is only the Director General: Health who may direct that a tracing exercise may be initiated/conducted via an electronic communications service provider.</p>

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	<p>(a) may only be obtained in relation to the location or movements of persons during the period 5 March 2020 to the date on which the national state of disaster has lapsed or has been terminated;</p> <p>(b) may only be obtained, used or disclosed by authorised persons and may only be obtained, used and disclosed when necessary for the purposes of addressing, preventing or combatting the spread of COVID- 19 through the contact tracing process or geospatial hotspot mapping;</p> <p>(c) where relevant to the contact tracing process, or geospatial hotspot mapping, must be included in the COVID -19 Database; and</p> <p>(d) apart from what is included in the COVID-19 Database, may only be retained by the Director -General: Health for a period of six weeks after being obtained and shall thereafter be destroyed.</p> <p>(12) Nothing in this regulation entitles the Director -General: Health or any other person to intercept the contents of any electronic communication.</p> <p>...</p> <p>(15) The COVID -19 Designated Judge may make such recommendations to the Cabinet members responsible for cooperative governance and traditional affairs, health and justice and correctional services as he or she deems fit regarding the amendment or enforcement of this regulation in order to safeguard the right to privacy while ensuring the ability of the Department of Health to engage in</p>	

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	<p>urgent and effective measures to address, prevent and combat the spread of COVID-19;</p> <p>(16) The Director -General: Health shall, within six weeks after the national state of disaster has lapsed, or has been terminated, notify every person whose information has been obtained in terms of subregulation (10) that information regarding their location or movements was obtained in terms of subregulation (10).</p> <p>(17) Within six weeks after the national state of disaster has lapsed or has been terminated –</p> <p>(a)the information on the COVID-19 Database shall be de-identified;</p> <p>(b)the de- identified information on the COVID-19 Database shall be retained and used only for research, study and teaching purposes;</p> <p>(c)all information on the COVID -19Tracing Database which has not been de- identified shall be destroyed...</p> <p>...</p> <p>(20) The National Department of Health may develop and implement electronic systems or applications to be used on mobile devices or computers in order to collect, on a voluntary basis, information from members of the public for inclusion in the COVID -19 Database, provided that-</p> <p>(a) the information may only be collected and used in order to guide appropriate responses in addressing, preventing and combatting the spread of COVID -19, including for the purposes of geospatial hotspot mapping;</p>	<p>ICS: please note that it is only the National Department of Health that may develop and implement electronic systems or applications that may collect information relating to COVID-19 from the public on a voluntary basis, for inclusion on the COVID-19 database. The public must opt in to the service. These regulations must be noted in relation the UKZN COVID-19 app that has been developed.</p>

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	<p>(b) the information concerned is only obtained from users of mobile devices and computers on a voluntary and opt -in basis;</p> <p>(c) in order to obtain the necessary consent from the user of the mobile device or computer, the terms and conditions of the electronic system or application must explain and request the user's express consent regarding -</p> <p>(i) which information will be collected and stored via the electronic system or application;</p> <p>(ii) the means by which the information will be collected and stored;</p> <p>(iii) the purposes for which any information will be collected and used;</p> <p>(iv) the entities or persons to which that information will be transmitted, and under what conditions;</p> <p>(v) whether the information will be kept on the user's mobile device or a centralised server;</p> <p>(vi) the period for which the information will be retained; and</p> <p>(vii) the notice that will be given to users when the information has been destroyed.</p> <p>(21) The National Department of Health may receive, on a voluntary basis, information regarding members of the public from electronic systems or applications operated by private entities for inclusion in the COVID-19 Database, provided that-</p> <p>(a) the information may only be received and used in order to guide appropriate responses in addressing, preventing and combatting the spread of COVID-19, including for the purposes of geospatial hotspot mapping;</p>	

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	<p>(b) the private entity concerned has obtained the information concerned from users of mobile devices and computers on a voluntary and opt -in basis; and</p> <p>(c) the private entity concerned has obtained the express consent of the user concerned to transmit the information to the National Department of Health for inclusion on the COVID -19 Database.</p> <p>(22) The Director -General of Health may, in writing and subject to the provisions of subregulation (23), appoint any organ of state outside the Department of Health or private entities to provide services necessary for the carrying out of his or her powers and functions under this regulation.</p> <p>(23) The appointment of entities in terms of subregulation (22) may only take place where it is not reasonably possible for the services to be performed by the Department of Health itself due to the Department of Health not having the necessary expertise, equipment or personnel available or due to the delays that would result from the Department of Health performing the services itself.</p> <p>(24) Where entities are appointed in terms of subregulation (22)-</p> <p>(a) the appointed entities are bound by these Regulations as if it were the Director -General of Health or an official appointed by him or her;</p> <p>(b) the appointed entities shall conclude a written agreement with the Director -General of Health which records that the</p>	<p>ICS: please note that the collection of data in respect of COVID-19 may take place with the written permission of the Director General: Health. A written agreement with the Director General: Health must be concluded in this regard.</p>

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	<p>appointed entities have understood this regulation and accepts that it and its employees are bound to comply with it;</p> <p>(c) every employee of an appointed entity who has access to any of the information or data obtained pursuant to the appointment of the entity shall sign an undertaking recording that she or he has understood this regulation and accept that he or she is bound to comply with it;</p> <p>(d) information stored by the appointed entities or transferred to or from the appointed entities must be in an encrypted form, save where this is not possible in achieving the purposes of this regulation, and access must be subject to password protection;</p> <p>(e) logs of every person who has had access to the data in encrypted or unencrypted form must be kept by the appointed entities, including the person's name, function, the date on which and the reason for which the data was accessed, which logs must be submitted by the appointed entities to Director - General of Health every two weeks;</p> <p>(f) only personal data that is adequate, relevant and limited to what is necessary in relation to the purpose may be processed;</p> <p>(g) the appointed entities will keep any information or data obtained pursuant to its appointment separate from any of the appointed entities other information or data;</p> <p>(h) following the end of the appointment period, the appointed entities may not retain any of the information or data obtained pursuant to its appointment, whether in original or duplicate form;</p> <p>(i) the appointed entities may not disclose any information or data obtained pursuant to their appointment with any other</p>	

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	<p>person or entity, other than where expressly permitted in writing by the Director -General of Health for the purposes of this regulation; and</p> <p>(j) the Director -General of Health shall inform the COVID -19 Designated Judge of the appointment of entities concerned.</p>	
	<p>Offences and Penalties</p> <p>14.(1) Any person who intentionally misrepresents that he, she or any other person is infected with COVID -19 is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(2) Any person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about-</p> <p>(a)COVID-19;</p> <p>(b)COVID -19 infection status of any person; or</p> <p>(c)any measure taken by the Government to address COVID -19, commits an offence and is liable on conviction to a fine or imprisonment fora period not exceeding six months, or both such fine and imprisonment.</p> <p>(3) Any person who intentionally exposes another person to COVID -19 may be prosecuted for an offence, including assault, attempted murder or murder.</p> <p>(4)A person who fails to comply with-</p> <p>(a)an obligation imposed in terms of regulation 8(5),8(9), 8(11), 8(17); or</p>	<p>To all divisions of UKZN, these regulations are self-explanatory</p>

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	<p>(b)a direction issued in terms of regulation 8(10) or 8(18) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(5) A driver or operator of any form of public transport who fails to take reasonable steps to ensure compliance with regulation 5(2)(a) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(6) A manager or owner of a building, place or premises, including a government building place or premises, used by the public to obtain goods or services who fails to take reasonable steps to ensure compliance with regulation 5(2)(b) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(7) An employer who fails to take reasonable steps to ensure compliance with regulation 5(3)(a) or (b) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>...</p>	

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	<p>ALERT LEVEL 4</p> <p>Movement of persons</p> <p>16.(1) Every person is confined to his or her place of residence.</p> <p>(2)A person may only leave their place of residence to-</p> <p>(a) perform an essential or permitted service, as allowed in Alert Level 4;</p> <p>(b) go to work where a permit which corresponds with Form2 of Annexure A, has been issued;</p> <p>(c)buy permitted goods;</p> <p>(d)obtain services that are allowed to operate as set out in Table 1 to the Regulations;</p> <p>(e) move children, as allowed;</p> <p>(f) walk, run or cycle between the hours of 06H00 to 09H00, within a five-kilometre radius of their place of residence: Provided that this is not done in organised groups.</p> <p>(3) Every person is confined to his or her place of residence from 20H00 until 05H00 daily, except where a person has been granted a permit to perform an essential or permitted service as listed in Annexure D, or is attending to a security or medical emergency.</p> <p>(4) Movement between provinces, metropolitan areas and districts are prohibited except-</p> <p>(a)for workers who have a permit to perform an essential or permitted service who have to commute to and from work on a daily basis;</p> <p>(b)the attendance of a funeral as allowed;</p>	<p>To all divisions of UKZN, however attention must be drawn to regulation 16(6) regarding entities which are allowed to operate during Alert Level 4.</p> <p>As there are essential services performed within the UKZN environment per Government Gazette 43414, UKZN will have to adhere to these regulations.</p> <p>Please note that the numbering is per the published Government Gazette and appears to be incorrect.</p>

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	<p>(c)the transportation of mortal remains; and (d)for learners who have to commute to and from school or higher education institutions on a daily basis during periods when those institutions are permitted to operate.</p> <p>(5) Any person who was not at their place of residence or work before the lockdown period and who could not travel between provinces, metropolitan and district areas during the lockdown, will be permitted, on a once -off basis, to return to their places of residence or work and will be required to stay in such place until the end of Alert Level 4.</p> <p>(6) All industries, businesses entities, both private and in the public sector, which are permitted to operate during Alert Level 4, must-</p> <p>(a)designate a COVID -19 compliance officer who will oversee the:</p> <p>(i)implementation of the plan referred to in subregulation (b); and (ii)adherence to the standards of hygiene and health protocols relating to COVID -19 at the workplace;</p> <p>(b)develop a plan for the phased in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond with Annexure E and be retained for inspection and contain the following information;</p> <p>(i)which employees are permitted to work; (ii)what the plans for the phased-in return of their employees to the work place are;</p>	

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	<p>(iii)what health protocols are in place to protect employees from COVID-19; and</p> <p>(iv)the details of the COVID -19 compliance officer;</p> <p>(c)phase in the return of their employees to work to manage the return of employees from other provinces, metropolitan and district areas; and</p> <p>(d)develop measures to ensure that the work place meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.</p> <p>(5)The Cabinet member responsible for home affairs, or a person designated by him or her, may allow a person to enter or exit the Republic for emergency medical attention for a life-threatening condition, or for a South African, or foreign national to be repatriated to their country of nationality or permanent residence.</p> <p>(6)All foreign tourists who arrived in the Republic prior to the lockdown period, which ended on 30 April 2020, and who remained in the Republic, must remain in their place of temporary residence in the Republic for the duration of Alert Level 4, as the case may be, and may be subject to screening for COVID -19 and be quarantined or isolated as required: Provided that the evacuation of foreign tourists where arrangements, including an arrangement for the evacuation by air charter, has been made by the relevant embassy, may be allowed:</p>	

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	Provided further that a tourist is escorted to the point of exit where he or she may be screened again.	
	<p>Prohibition on evictions</p> <p>19. A competent court may grant an order for the eviction of any person from land or a home in terms of the provisions of the Extension of Security of Tenure Act 62 of 1997 and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998:</p> <p>Provided that any order of eviction shall be stayed and suspended until the last day Alert Level 4, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 4 period.</p>	<p>Legal Services and the Student Services Division</p> <p>These regulations may have relevance with regard to student accommodation.</p>
	<p>Gatherings</p> <p>23.(1) All gatherings are banned, except-</p> <p>(a) for funeral;</p> <p>(b) when at a workplace; or</p> <p>(c) when buying or obtaining goods and services, as allowed in Table 1.</p> <p>(2) An enforcement officer must, where a gathering takes place-</p> <p>(a) order the persons at the gathering to disperse immediately; and</p> <p>(b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, include arrest and detention.</p>	<p>To all divisions of UKZN</p> <p>These regulations are self-explanatory</p>
	<p>Operation of economic sectors</p> <p>28.(1) Businesses and other entities as set out in Table 1 may commence operations.</p>	<p>Although UKZN does not fall within the "economic sector" it is situated in the Higher Education sector, those colleagues performing</p>

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	<p>(2)Every person in control of a retail store or institution must-</p> <p>(a)take steps to ensure that customers keep a distance of at least one and a half metres from each other, and that all directions in respect of health protocols and social distancing measures COVID -19, are adhered to; and</p> <p>(b)designate a compliance official to ensure that the safety controls are strictly adhered to, and display the name of the official prominently in the store or in a visible area.</p> <p>(3)Retail stores selling goods as provided for the Table 1 are prohibited from selling other goods that are not permitted in terms of the Table 1.</p> <p>(4)Persons performing essential services or permitted services, must be duly designated in writing by the head of an institution, or a person designated by him or her, on a form that corresponds with Form 2 in Annexure A: Provided that Cabinet member responsible for small enterprises may issue directions in respect of small and micro enterprises, co-operatives. informal traders and spaza shops in respect of those entities</p>	<p>essential services as contained in Government Gazette 43414, will have to be permitted to perform such services per form 2 in Annexure A of Government Gazette 43258 (note that per gazette 43476, permits are only required for inter-provincial travel).</p> <p>Dr P S Zulu has been appointed as the COVID-19 Compliance Officer.</p>
	<p>Offences and penalties</p> <p>31.(1) For the duration of the national state of disaster, any person who –</p> <p>(a)convenes a gathering; or</p> <p>(b)hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers, or the performance of his</p>	<p>To all divisions of UKZN</p> <p>These regulations are self-explanatory.</p>

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	<p>or her duties in terms of these Regulations, is guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(2) For the purposes of this Chapter, any person who fails to comply with or contravenes the provisions of regulations 16(1), 16(2),16(3) and 16(4), 19, 24(1) and 24(2), 26(1) and 26(2), 27 and 28(3) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. All persons who are able to work from home should do so. Persons in the following list of industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 4, subject to-</p> <ul style="list-style-type: none"> (a)strict health protocols, and social distancing rules; (b)return to work to be phased in to enable measures to make the workplace COVID- ready; and (c)return to work to be done in a manner that avoids and reduces risks of infection. 	
	<p>ALERT LEVEL 3 Movement of persons 33. (1) A person may leave his or her place of residence to-</p> <ul style="list-style-type: none"> (a) perform any service, as permitted under Alert Level 3; (b) travel to and from work; (c) buy goods or obtain services, as permitted under Alert Level 3; (d) move children, as allowed; (e) exercise between the hours of 06h00 to 18h00: 	<p>To all divisions of UKZN: self-explanatory A permit to travel between districts is no longer required, a permit is only required for inter-provincial travel. With regard to work related activities that may resume in the higher education space, please see gazette 43414, which deals with the return to the higher education space under lockdown level 3 and</p>

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	<p>Provided that the exercise is not done in organised groups of more than four people and adheres to health protocols and social distancing measures;</p> <p>(f) attend a place of worship in the same or another metropolitan area or district within the same province;</p> <p>(g) attend a school or learning institution, once these are opened; and</p> <p>(h) travel for leisure purposes as allowed under Alert Level 3.</p> <p>(1A) Every person is confined to his or her place of residence from 22H00 until 04H00 daily, except where a person has been granted a permit, which corresponds with Form 2 of Annexure A, to perform a service permitted under Alert Level 3, or is attending to a security or medical emergency.</p> <p>(2) A person must when in a public place, wear a cloth face mask or a homemade item that covers the nose and mouth. or another appropriate item to cover the nose and mouth.</p> <p>(3) No person is allowed to be in a public place, use any form of public transport, or enter a public building, place or premises, if that person is not wearing a cloth face mask or a homemade item that covers the nose and mouth, or another appropriate item to cover the nose and mouth.</p> <p>(4) Movement of persons between provinces is prohibited, except for -</p> <p>(a) persons doing so in the course of carrying out work responsibilities or performing any service permitted under Alert Level 3, provided that such person is in possession of a</p>	<p>states as follows; "Students and staff should only come to campuses under exceptional circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work."</p> <p>Please note that staff who are required to be on UKZN campus premises between 9pm and 4am now require a permit to perform an essential or permitted service.</p>

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	<p>permit issued by the employer which corresponds with Form 2 of Annexure A;</p> <p>(b) persons travelling for purposes of-</p> <p>(i) moving to a new place of residence; or</p> <p>(ii) caring for an immediate family member:</p> <p>Provided that such person is in possession of an affidavit which corresponds with Form 6 of Annexure A.</p> <p>(c) members of Parliament performing oversight responsibilities;</p> <p>(d) learners or students referred to in regulation 34(5) who have to commute to and from those schools or institutions of higher learning during periods when those schools or institutions are permitted to operate;</p> <p>(e) the attendance of funerals as provided for in regulation 35;</p> <p>(f) the transportation of mortal remains;</p> <p>(g) obtaining medical treatment;</p> <p>(h) persons who are returning to their place of residence from a quarantine or isolation facility; or</p> <p>(i) any movement permitted under regulation 41.</p>	
	<p>Movement of children</p> <p>...</p> <p>34. (5) Any learner or student must be issued with a certificate which corresponds with Form 3A of Annexure A, by the head of his or her school or institution of higher learning, or a person delegated by him or her, that the learner or student attends that school or institution of higher learning for purposes of travel between provinces.</p> <p>(6) The certificate referred to in subregulation (5) must contain</p>	<p>To all colleges of UKZN, where students will be returning to contact study at UKZN. Please see gazette 43414 in this regard.</p> <p>See above: self-explanatory.</p>

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	<p>the name and address of the school or institution of higher learning and the particulars of the learner or student concerned.</p> <p>(7) A person transporting a learner or student must be issued with a permit, corresponding with Form 3B of Annexure A, by the head of the school or institution of higher learning contemplated in subregulation (5), or a person delegated by him or her, allowing him or her to transport learners or students to and from the school or institution.</p>	<p>To all colleges of UKZN, where students will be returning to contact study at UKZN and to those divisions where transport services are rendered in the UKZN environment. In addition to the permit to travel for work purposes (if the travel is between provinces), form 3B must also be issued to the person providing the actual transport service for students.</p>
	<p>Prohibition on evictions</p> <p>36. (1) Subject to subregulation (2), a person may not be evicted from his or her land or home during the period of Alert Level 3 period.</p> <p>(2) A competent court may grant an order for the eviction of a person from his or her land or home in terms of the provisions of the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998): Provided that an order of eviction may be stayed and suspended until the last day of the Alert Level 3 period, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 3 period.</p>	<p>Legal Services and the Student Services Division</p> <p>This section may have relevance with regard to student accommodation.</p>

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	<p>Gatherings</p> <p>37. (1) All gatherings are prohibited except a gathering at-</p> <p>(a) a faith -based institution, which is limited to 50 persons or less, depending on the size of the place of worship: Provided that all health protocols and social distancing measures are being adhered to as provided for in directions that must be issued by the Cabinet member responsible for cooperative governance and traditional affairs;</p> <p>...</p> <p>(c) a workplace for work purposes;</p> <p>(d) conferences and meetings which is subject to-</p> <p>(i) a limitation of 50 persons, excluding those who participate through electronic platforms;</p> <p>(ii) restricted to business purposes; and</p> <p>(iii) strict adherence to all health protocols and social distancing measures as provided for in directions that must be issued by the responsible Cabinet member, after consultation with the Cabinet member responsible for health;</p> <p>...</p> <p>(f) theatres, subject to-</p> <p>(i) a limitation of 50 persons or less;</p>	<p>The various sites on the UKZN campuses allocated for faith-based worship. Note that this regulation must also be read with all other regulations applicable to the UKZN environment and may not be opened with the consultation and approval of the UKZN COVID-19 Compliance Officer/Manager. Also see gazette 43365 in this regard.</p> <p>To all divisions of UKZN: self-explanatory. Please note however that theses regulation also state under "Table 2 Alert Level 3" that, "All persons who are able to work from home must do so" and "Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education. " Gazette 43414 is applicable in respect of University based activities and states as follows; "Students and staff should only come to campuses under exceptional circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work."</p> <p>Theatres based at the UKZN campuses: please note that these regulations must be read with gazette 43414, which relates to the resumption of campus-based activities. Thus the theatres</p>

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	<p>(ii) strict adherence to all health protocols and social distancing measures as provided for in directions that must be issued by the responsible Cabinet member, after consultation with the Cabinet member responsible for health, and;</p> <p>(iii) limitation on performers and crew to a maximum of 15 persons including live streaming or recording for distribution on digital platforms;</p> <p>...</p> <p>(i) sporting activities, inclusive of both professional non-contact and contact sport matches subject to-</p> <p>(i) directions for sports matches issued by the Cabinet member responsible for sport after consultation with the Cabinet member responsible for health;</p> <p>(ii) only journalists, radio, television crew, security personnel, emergency medical services, and the necessary employees employed by the owners of the venue of the sport match, are allowed at the venue of the sports match;</p> <p>(iii) only the required number of players, match officials, support staff and medical crew required for the sport match, are allowed at the venue of the sports match;</p> <p>(iv) no spectators are allowed at the venue or precinct of the sports match;</p> <p>(v) no international sport events are allowed;</p> <p>(j) museums, galleries, libraries and archives, subject to strict adherence to all health protocols and social distancing</p>	<p>may only open once the campuses are opened for all campus based activities to resume. Gazette 43414 states as follows, "Students and staff should only come to campuses under exceptional circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work."</p> <p>Various spaces that facilitate sporting activities on the campuses: please note that these regulations must be read with gazette 43414, which relates to the resumption of campus-based activities and states as follows, "Students and staff should only come to campuses under exceptional circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work."</p> <p>Research: please note that these regulations must be read with gazette 43414, which relates to the resumption of campus-based activities.</p>

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	<p>measures as provided for in directions that must be issued by the responsible Cabinet member, after consultation with the Cabinet member responsible for health;</p> <p>...</p> <p>(l) restaurants, subject to the strict adherence to all health protocols and social distancing measures as provided for in directions that must be issued by the responsible Cabinet member, after consultation with the Cabinet member responsible for health.</p> <p>(2) An enforcement officer must, where a prohibited gathering takes place -</p> <p>(a) order the persons at the gathering to disperse immediately; and</p> <p>(b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), include the arrest and detention of any person at the gathering.</p>	<p>These spaces may only be opened if aligned with gazette 43414, which states as follows, "Students and staff should only come to campuses under exceptional circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work."</p> <p>Cafeteria spaces: please note that these regulations must be read with gazette 43414, which relates to the resumption of campus-based activities. These spaces may only be opened if aligned with gazette 43414.</p>
	<p>Places and premises closed to the public</p> <p>39. (1) A place or premises normally open to the public, where cultural, sporting, entertainment, leisure, exhibitional, organisational or similar activities may take place, is closed to the public, and all gatherings at these places or premises are prohibited, save for the exceptions in subregulation (2) and in regulation 37.</p>	<p>Various spaces that facilitate sporting and entertainment activities on the campuses: please note that these regulations must be read with gazette 43414, which relates to the resumption of campus-based activities which states as follows, "Students and staff should only come to campuses under exceptional</p>

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	<p>(2) The places or premises referred to in subregulation (1) include -</p> <ul style="list-style-type: none"> (a) gyms and fitness centres; (b) sports grounds and fields and swimming pools, except for - <ul style="list-style-type: none"> (i) the training of professional athletes; and (ii) professional non -contact and contact sports matches as referred to in regulation 37(1)(1); (c) fêtes and bazaars; (d) night clubs; (e) hotels, lodges, bed and breakfasts, timeshare facilities and resorts and guest houses, except to the extent that these facilities are required for accommodation by- <ul style="list-style-type: none"> (i) the remaining tourists confined to such facilities; (ii) persons for work purposes; (iii) persons in quarantine or isolation; and (iv) persons utilizing such facilities for intra- provincial leisure purposes; (f) conference facilities, except for business use as referred to in regulation 37(1)(d); (g) any on- consumption premises, including bars, taverns, shebeens and similar establishments, except as provided for in regulation 44; and (h) beaches; (i) public parks, except for exercising and subject to health protocols. 	<p>circumstances, for example, when it is essential to visit the library or undertake practical/laboratory work.”</p>
	<p>Operation of economic and public sector</p> <p>46 (2) Businesses and other institutions with more than 100 employees must, where possible, make provision for minimising the number of employees at the workplace at any</p>	<p>To all divisions of UKZN: these regulations must be noted and read with regulations issued per gazette 43414.</p>

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	<p>given time. through rotation, staggered working hours, shift systems, remote working arrangements or similar measures, in order to achieve social distancing and to limit congestion in public transport and at the workplace.</p> <p>...</p> <p>(4) Relevant health protocols and social distancing measures set out in directions must be adhered to, in addition to the occupational health and safety directions issued by the Cabinet member responsible for employment and labour, and applicable labour legislation.</p> <p>(5) Employers must implement measures for employees who are over 60 or those with co- morbidities to facilitate their safe return to work, which may include special measures at the work place to limit employees' exposure to COVID -19 infection and where possible that the employees work from home.</p> <p>(6) Construction, manufacturing, business and financial services firms with more than 500 employees must finalise appropriate sector or workplace arrangements or compacts to address the following-</p> <p>(a) provide, or arrange transport to their employees coming to site, or, where this is not possible, consider staggered working time arrangements to reduce congestion in public transport;</p> <p>(b) stagger the return to work of employees to ensure workplace readiness and avoid traffic congestion during peak travel times as a result of the return to work;</p>	<p>Infrastructure, Planning and Governance (IPG): these regulations have been included for noting by IPG.</p>

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	<p>(c) screen employees daily for symptoms of COVID -19 and refer the employees who display symptoms for medical examination and testing where necessary; and</p> <p>(d) submit data collected during the screening and testing process to the Director -General: Health.</p> <p>(7) (a) The relevant sector or industry body, if such a body exists, must, in the event of high health risks, develop sector -specific health protocols which must include provisions to limit the spread of COVID -19 in the sector concerned and provide for those circumstances where a firm cannot operate staggered working hours or provide transport to its employees.</p> <p>(b) The sector -specific health protocols referred to in paragraph (a) must be developed in consultation with the Department of Health.</p>	<p>To all divisions of UKZN: the Department of Higher Education and Training via Higher Health has developed sector specific protocols for the higher education sector.</p>
	<p>Compliance officers</p> <p>47. (1) Industries, businesses and entities, both private and in the public sector, which are permitted to operate must -</p> <p>(a) designate a COVID -19 compliance officer who must oversee the -</p> <p>(i) the implementation of the plan referred to in paragraph (b); and</p> <p>(ii) adherence to the standards of hygiene and health protocols relating to COVID -19 at the workplace;</p> <p>(b) develop a plan for the phased -in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond to Annexure E and must be retained for inspection and must contain the following information:</p>	<p>The UKZN Compliance Officer, working with Occupational Health and Safety/Safety, Health and Environment and Human Resources at UKZN.</p>

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	<p>(i) which employees are permitted to work;</p> <p>(ii) what the plans for the phased -in return of their employees to the workplace are;</p> <p>(iii) what health protocols are in place to protect employees from COVID-19; and</p> <p>(iv) the details of the COVID -19 compliance officer;</p> <p>(c) phased -in the return of their employees to work to manage the return of employees from other provinces, metropolitan areas and districts; and</p> <p>(d) develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees and social distancing measures for the public and service providers, as required.</p> <p>(2) A person in control of a retail store or institution must-</p> <p>(a) take steps to ensure that customers keep a distance of at least one and a half metres from each other and that all directions in respect of health protocols and social distancing measures are adhered to; and</p> <p>(b) designate a compliance officer to ensure that safety controls are strictly adhered to and display the name of the compliance officer prominently in the store or institution in a visible area.</p>	<p>The Executive Management Committee to appoint the COVID-19 Compliance Officer, who is to work with Occupational Health and Safety/Safety, Health and Environment, Human Resources (Employee Wellbeing resides with Human Resources) and Corporate Relations at UKZN.</p>
	<p>Offences and penalties</p> <p>48. (1) For the duration of the national state of disaster, any person who -</p> <p>(a) convenes a prohibited gathering; or</p>	<p>All divisions of UKZN: self-explanatory.</p>

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	<p>(b) hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers. or the performance of his or her duties in terms of these Regulations, commits of an offence and is on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(2) For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 33(1A), 35(3), 36(1), 38(1), 39(1), 39(2), 43(3)(a), 44(1), 44(2), and 45(1) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p>	
	<p style="text-align: center;">TABLE 2 ALERT LEVEL 3</p> <p>All persons who are able to work from home must do so. However, persons will be permitted to perform any type of work outside the home, and to travel to and from work and for work purposes under Alert Level 3, subject to-</p> <p>(a) strict compliance with health protocols and social distancing measures;</p> <p>(b) the return to work being phased -in in order to put in place measures to make the workplace COVID -19 ready;</p> <p>(c) the return to work being done in a manner that avoids and reduces risks of infection; and</p> <p>(d) the work not being listed under the specific economic exclusions in this Table.</p> <p style="text-align: center;">SPECIFIC ECONOMIC EXCLUSIONS</p>	<p>To all divisions of UKZN: these regulations must be noted and read with regulations issued by the Department of Higher Education and training, per gazette 43414.</p>

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	<p>...</p> <p>9. Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.</p>	
	<p>ALERT LEVEL 2 Movement of persons 50. Every person is confined to his or her place of residence from 22H00 until 04H00 daily, except where a person has been granted a permit, which corresponds with Form 2 of Annexure A, to perform a service other than a service related to an activity listed under Table 3, or is attending to a security or medical emergency.</p>	<p>The COVID-19 Compliance Officer/Manager and the Registrar in respect of granting permits to perform essential services during the hours stipulated.</p>
	<p>Mandatory protocols when in a public place 51. A person - (a) must when in a public place, wear a face mask; and (b) may not be allowed to be in a public place, use any form of public transport, or enter a public building, place or premises, if that person is not wearing a face mask.</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN.</p>
	<p>Eviction and demolition of places of residence 53. (1) A person may not be evicted from his or her land or home or have his or her place of residence demolished for the duration of the national state of disaster unless a competent court has granted an order authorising the eviction or demolition.</p> <p>(2) A competent court may suspend or stay any order for eviction or demolition contemplated in subregulation (1) until after the lapse or termination of the national state of disaster unless the court is of the opinion that it is not just or equitable</p>	<p>The COVID-19 Compliance Officer/Manager, Student Services, Legal Services in relation to Student Residences.</p>

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	<p>to suspend or stay the order having regard, in addition to any other relevant consideration, to-</p> <ul style="list-style-type: none"> (a) the need, in the public interest for all persons to have access to a place of residence and basic services to protect their health and the health of others and to avoid unnecessary movement and gathering with other persons; (b) any restrictions on movement or other relevant restrictions in place at the relevant time in terms of these regulations; (c) the impact of the disaster on the parties; (d) the prejudice to any party of a delay in executing the order and whether such prejudice outweighs the prejudice of the person who will be subject to the order; (e) whether any affected person has been prejudiced in his or her ability to access legal services as a result of the disaster; (f) whether affected persons will have immediate access to an alternative place of residence and basic services; (g) whether adequate measures are in place to protect the health of any person in the process of a relocation; (h) whether any occupier is causing harm to others or there is a threat to life; and (i) whether the party applying for such an order has taken reasonable steps in good faith, to make alternative arrangements with all affected persons, including, but not limited to, payment arrangements that would preclude the need for any relocation during the national state of disaster. <p>(3) A court hearing any application to authorise an eviction or demolition may, where appropriate and in addition to any other report that is required by law, request a report from the</p>	

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	responsible member of the executive regarding the availability of any emergency accommodation or quarantine or isolation facilities pursuant to these regulations.	
	<p>Rental housing</p> <p>54. (1) During the disaster, the Rental Housing Tribunals established under the Rental Housing Act, 1999 (Act No. 50 of 1999)-</p> <p>(a) must determine fair procedures for the urgent hearing of disputes; or</p> <p>(b) may grant an urgent ex parte spoliation order including to restore occupation of a dwelling or access to services provided that an affected party may, on 24 hours' notice, require that a hearing be promptly convened.</p> <p>(2) During the disaster and without derogating from the protections afforded by the Rental Housing Act, 1999 or any provincial unfair practice regulation in place or the duty to consider the interests of both the landlord and tenant on a just and equitable basis, the following conduct is presumed to be an unfair practice for purposes of the Act:</p> <p>(a) The termination of services in circumstances where-</p> <p>(i) the landlord has failed to provide reasonable notice and an opportunity to make representations;</p> <p>(ii) the landlord has failed, reasonably and in good faith, to make the necessary arrangements including to reach an agreement regarding alternative payment arrangements, where applicable; or</p> <p>(iii) no provision has been made for the ongoing provision of basic services during the national state of disaster.</p>	The COVID-19 Compliance Officer/Manager, Student Services, Legal Services in relation to off-campus Student Residences.

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	<p>(b) The imposition of any penalty for late payment of rental where the default is caused by the disaster, whether or not the penalty takes the form of an administrative charge or any other form other than interest.</p> <p>(c) The failure of a landlord or tenant to engage reasonably and in good faith to make arrangements to cater for the exigencies of the disaster.</p> <p>(d) Any other conduct prejudicing the ongoing occupancy of a place of residence, prejudicing the health of any person or prejudicing the ability of any person to comply with the applicable restrictions on movement that is unreasonable or oppressive having regard to the prevailing circumstances.</p> <p>(3) Where the protections afforded by any Unfair Practice Regulations in force in any province are greater than those provided in this Regulation, the provisions of the provincial Unfair Practice Regulations shall apply.</p> <p>(4) The Cabinet member responsible for human settlements must, after consulting with the Rental Housing Tribunals, issue directions disseminating information about the manner in which the Tribunals will conduct their proceedings during the national state of disaster, including but not limited to-</p> <p>(a) the manner in which Tribunals will facilitate expeditious access to any aggrieved person; and</p> <p>(b) the convening of remote hearings or convening of hearings at any suitable place.</p>	
	<p>Gatherings</p> <p>55. (1) All persons must wear a face mask and adhere to all</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, faith based institutions based</p>

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	<p>health protocols and social distancing measures when attending a gathering, to limit exposure to COVID -19: Provided that a person undertaking vigorous sporting activity is not obliged to wear a face mask, during such activity.</p> <p>(2) All gatherings are prohibited except a gathering at-</p> <p>(a) a faith -based institution, which is limited to 50 persons or less, depending on the size of the place of worship: Provided that all health protocols and social distancing measures are being adhered to as provided for in directions issued by the relevant Cabinet member responsible for cooperative governance and traditional affairs;</p> <p>...</p> <p>(c) a workplace for work purposes;</p> <p>(d) conferences and meetings which are-</p> <p>(i) subject to a limitation of 50 persons, excluding those who participate through electronic platforms; and</p> <p>(ii) restricted to business purposes;</p> <p>...</p> <p>(f) theatres, concerts and live performances, subject to a limitation of 50 persons or less, strict adherence to all health protocols and social distancing measures, as provided for in directions that must be issued by the relevant Cabinet member after consultation with the Cabinet member responsible for health;</p> <p>...</p> <p>(i) sporting activities, including professional and non - professional matches, authorised by recognised sporting bodies, subject to the following:</p>	<p>on the UKZN campuses, please note that these regulations must be read with the directions/regulations issued with regard to the opening of Higher Education spaces under lockdown alert level 2 as well as any other specific regulations/directions relating to the are concerned such as the regulations relating to faith based-institutions.</p>

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	<p>(i) Directions for sports matches issued by the Cabinet member responsible for sport, after consultation with the Cabinet member responsible for health;</p> <p>(ii) only journalists, radio, television crew, security personnel, emergency medical services, and the necessary employees employed by the owners of the venue of the sport match, are allowed at the venue of the sport match;</p> <p>(iii) only the required number of players, match officials, support staff and medical crew required for the sport match, are allowed at the venue of the sport match;</p> <p>(iv) no spectators are allowed at the venue of the sports match;</p> <p>(v) no international sport events are allowed;</p> <p>...</p> <p>(l) concerts and entertainment events, subject to a limitation of 50 persons, and directions issued by the relevant Cabinet member;</p> <p>(m) events at function venues, subject to a limitation of 50 persons, and directions issued by the relevant Cabinet member;</p> <p>(n) the following places which are open to the public, subject to all persons wearing face masks and strict adherence to all health protocols and social distancing measures as provided for in the directions issued by the relevant Cabinet member, after consultation with the Cabinet member responsible for health:</p> <p>(i) Fitness centres and gyms, further subject to a limitation of 50 persons or less;</p> <p>(ii) sports grounds and fields;</p>	

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	<p>(iii) swimming pools, further subject to a limitation of 50 persons or less;</p> <p>...</p> <p>(v) museums, galleries, libraries and archives;</p> <p>...</p> <p>(vii) restaurants;</p> <p>...</p> <p>(3) An enforcement officer must, where a gathering in contravention of the regulations takes place-</p> <p>(a) order the persons at the gathering to disperse immediately; and</p> <p>(b) if the persons refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), include the arrest and detention of any person at the gathering.</p>	
	<p>Controlled visits by members of the public</p> <p>58. All visits by members of the public to-</p> <p>...</p> <p>(e) health establishments and facilities, except to receive treatment or medication, subject to strict adherence to health protocols;</p> <p>...</p> <p>are prohibited except to the extent and in the manner directed by the relevant Cabinet member.</p>	<p>The COVID-19 Compliance Officer/Manager, the UKZN Campus Clinics, health establishments and facilities that may be located on UKZN campuses or that UKZN may be affiliated to.</p>
	<p>Closure of borders</p> <p>...</p> <p>59(2) The Cabinet member responsible for home affairs, or a person designated by him or her, may allow entry into or exit from the Republic for-</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, included for noting purposes.</p>

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	<p>...</p> <p>(e) daily commuters from neighbouring countries who attend or teach at a school in the Republic, and who are allowed entry and exit into and exit from the Republic, subject to compliance with protocols relating to-</p> <p>(i) screening for COVID -19 and quarantine or isolation, where necessary;</p> <p>(ii) the wearing of a face mask;</p> <p>(iii) transportation; and</p> <p>(iv) sanitisation and social distancing measures as per the relevant health protocols on safety and prevention of the spread of COVID- 19.</p>	
	<p>Public transport</p> <p>60. (1) For purposes of this regulation "long distance travel" is a trip of 200 km or more.</p> <p>...</p> <p>(3) Bus and taxi services -</p> <p>(a) may not carry more than 70% of the licensed capacity for long distance travel; and</p> <p>(b) may carry 100% of the licensed capacity for any trip not regarded as long distance travel in terms of subregulation (1).</p> <p>(4) A driver, owner or operator of public transport may not allow any member of the public not wearing a face mask, to board or be conveyed in a public transport owned or operated by him or her.</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN where transportation is provided for staff and students.</p>
	<p>Operation of economic sector</p> <p>62. (1) Businesses may operate except for those set out in Table 3.</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, note the exclusion of education services in Table 3.</p>

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	<p>(2) Businesses with more than 100 employees, working together in a group in the same floor space, must where possible, make provision for minimising the number of employees at the workplace at any given time, through rotation, staggered working hours, shift systems, remote working arrangements or similar measures, in order to achieve social distancing and to limit congestion in public transport and at the workplace.</p> <p>...</p> <p>(4) Relevant health protocols and social distancing measures set out in directions must be adhered to, in addition to the occupational health and safety directions issued by the Cabinet member responsible for employment and labour, and applicable labour legislation.</p> <p>(5) Employers must implement appropriate measures for employees who are over the age of 60 or those with co-morbidities to facilitate their safe return to work, which may include special measures at the work place to limit employees' exposure to COVID -19 infection and where possible for the employees to work from home.</p> <p>...</p> <p>(7) (a) Sector -specific health protocols which must include provisions to limit the spread of COVID -19 in the sector concerned and to provide for circumstances where a firm cannot operate staggered working hours or provide transport to its employees, must be adhered to.</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN.</p> <p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN, note that sector specific health protocols have been developed by Higher Health.</p>

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	(b) The sector -specific health protocols referred to in paragraph (a) where these are still to be developed, must be developed in consultation with the Department of Health.	
	<p>Compliance officers</p> <p>63. (1) Industries, businesses and entities, both private and in the public sector, must -</p> <p>(a) designate a COVID -19 compliance officer who must oversee-</p> <p>(i) the implementation of the plan referred to in paragraph (b); and</p> <p>(ii) strict adherence to the standards of hygiene and health protocols relating to COVID-19 at the workplace;</p> <p>(b) develop a plan for the phased -in return of their employees to the workplace, prior to reopening the workplace for business, which plan must correspond to Annexure E and must be retained for inspection and must contain information regarding the following:</p> <p>(i) Employees who are permitted to work;</p> <p>(ii) what the plans for the phased -in return of their employees to the workplace are;</p> <p>(iii) the health protocols that are in place to protect employees from COVID -19; and</p> <p>(iv) the details of the COVID-19 compliance officer;</p> <p>(c) phased -in the return of their employees to work in order to manage the return of employees from other provinces, metropolitan areas and districts; and</p> <p>(d) develop measures to ensure that the workplace meets the standards of health protocols, adequate space for employees</p>	<p>Dr P S Zulu has been appointed as the UKZN COVID-19 Compliance Officer and is tasked with the implementation of the requirements of these regulations.</p>

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	<p>and social distancing measures for the public and service providers, as required.</p> <p>(2) A person in control of a retail store or institution must -</p> <p>(a) take steps to ensure that customers keep a distance of at least one and a half metres from each other and that all directions in respect of health protocols and social distancing measures are strictly adhered to; and</p> <p>(b) designate a compliance officer to ensure that safety controls are strictly adhered to and display the name of the compliance officer prominently in the store or institution in a visible area.</p>	
	<p>Offences and penalties</p> <p>64. (1) For the duration of the national state of disaster, any person who hinders, interferes with, or obstructs an enforcement officer in the exercise of his or her powers, or the performance of his or her duties in terms of these Regulations, is guilty of an offence and, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p> <p>(2) For the purposes of this Chapter, any person who fails to comply with or contravenes a provision of regulations 56(1), 57(1), 60(3)(a) and 61(1) of these Regulations commits an offence and is, on conviction, liable to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN.</p>

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	<p style="text-align: center;">TABLE 3 ALERT LEVEL 2</p> <p>All persons who are able to work from home must do so. However, persons will be permitted to perform any type of work outside the home, and to travel to and from work and for work purposes under Alert Level 2, subject to-</p> <ul style="list-style-type: none"> (a) strict adherence to health protocols and social distancing measures; (b) the return to work being phased -in in order to put in place measures to make the workplace COVID -19 ready; (c) the return to work being done in a manner that avoids and reduces risks of infection; and (d) the work not being listed under the specific economic exclusions in this Table. <p style="text-align: center;">SPECIFIC ECONOMIC EXCLUSIONS</p> <p>...</p> <p>7. Exclusions relating to education services as set out in the directions issued by the Cabinet members responsible for education.</p>	<p>The COVID-19 Compliance Officer/Manager, all divisions of UKZN.</p>

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43365 28 May 2020	<p>Phased re- opening of places of worship</p> <p>3. (1) Religious gatherings of not more than 50 persons are allowed subject to the conditions outlined in these Directions.</p> <p>(2) Religious organisations should where possible, convene services through virtual platforms (online and social media).</p> <p>(3) All religious services may not exceed 2 hours with a 30-minute intermission between services.</p>	<p>The various sites on the UKZN campuses allocated for faith-based worship. Note that this regulation must also be read with all other regulations applicable to the UKZN environment and may not be opened with the consultation and approval of the UKZN COVID-19 Compliance Officer/Manager. Also see gazette 43258 as amended by gazettes 43364 and 43476, as well as gazette 43414.</p>
	<p>Health and Safety measures at places of worship</p> <p>4. (1) All religious leaders or persons in charge of places of worship must -</p> <p>(a) ensure that every person entering a place of worship wears a face mask covering the nose and mouth;</p> <p>(b) develop a plan for gatherings at the place of worship which incorporates measures set out in these Directions and the Regulations; and</p> <p>(c) develop and maintain protocols on how they will ensure that there are no more than 50 persons within the place of worship at a time.</p> <p>(2) Every place of worship must implement the following health and safety measures:</p> <p>(a) Screen every person entering the place of worship for symptoms associated with COVID -19, namely fever, cough, sore throat, shortness of breath, or difficulty in breathing;</p> <p>(b) require every person to report whether they suffer from any of the following additional symptoms such as body aches,</p>	<p>The various sites on the UKZN campuses allocated for faith-based worship. Note that this regulation must also be read with all other regulations applicable to the UKZN environment and may not be opened with the consultation and approval of the UKZN COVID-19 Compliance Officer/Manager. Also see gazette 43258 as amended by gazettes 43364 and 43476, as well as gazette 43414.</p> <p>The UKZN COVID-19 Compliance Officer/Manager; Safety, Health and Environment, Campus Management Services. Note that these regulations infer screening in addition to the screening that may take place at University entry points.</p>

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	<p>loss of smell or loss of taste, nausea, vomiting, diarrhea, fatigue, weakness or tiredness; and</p> <p>(c) require every person to immediately inform the religious leader or person in charge of the religious activity if they experience any of the symptoms referred to above while at the place of worship.</p> <p>(3) If a person presents with those symptoms, or advises the religious leader or person in charge of the religious activity or person of these symptoms, the person in charge of the religious activity must -</p> <p>(a) not permit the person to enter the place of worship; or</p> <p>(b) if the person is already at the place of worship, immediately isolate the person, and assist the person, to make arrangements to be transported, in a manner that does not place other persons or members of the public at risk, for a medical examination and testing;</p> <p>(c) assess the risk of transmission, disinfect the area and, refer those persons who may be at risk for screening and take any other appropriate measure to prevent possible transmission;</p> <p>(d) obtain from the person who is to be isolated, the contact details, including name, address and telephone numbers of the people they have been in contact with since entering the place of worship; and</p> <p>(e) a person who has tested positive of COVID -19 must immediately inform the religious leader of any religious activity he or she has participated in, 14 days prior to the positive test result.</p>	<p>The UKZN COVID-19 Compliance Officer/Manager; Safety, Health and Environment, Campus Management Services advise of and facilitate the process to be utilised in this regard.</p>

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	(4) A person may not enter a place of worship if they have any of the symptoms of COVID -19 referred to in paragraphs (2)(a) and (2)(b) above.	All divisions of UKZN: self-explanatory.
	<p>Social distancing</p> <p>5. (1) Every religious leader or person in charge of the place of worship must ensure that -</p> <p>(a) there is no physical contact between persons at the place of worship;</p> <p>(b) there is a minimum of one and a half metres between persons;</p> <p>(c) all social distancing measures and health protocols are adhered to at all times; and</p> <p>(d) singing of hymns is limited to solo performances, or pre-recorded performances during the religious service or activity.</p> <p>(2) Where the religious activity, such as preaching or leading worship, cannot be performed with face masks, the distance between persons must be increased to 2,5 meters.</p>	These regulations must be given effect in consultation with the UKZN COVID-19 Compliance Officer/Manager; Safety, Health and Environment, Campus Management Services, which are to advise of and facilitate the process to be utilised in this regard.
	<p>Personal Protection</p> <p>6. (1) Wearing of face masks is compulsory for the duration of any religious activity.</p> <p>(2) Any religious ritual that requires personal contact may not be performed during any religious activity.</p> <p>(3) Any person counting offerings or gifts must sanitise their hands before, during and after the counting of offerings or gifts</p>	All sites of faith-based worship at UKZN: self-explanatory.

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	and must ensure that he or she does not touch his or her face during the process.	
	<p>Sanitisers, disinfectants and other measures</p> <p>7. (1) A hand sanitiser must have at least 70% alcohol content, or a generic alternative with a similar sanitising effect, which is in accordance with the recommendations of the Department of Health.</p> <p>(2) Every place of worship should ensure that -</p> <p>(a) there are sufficient quantities of hand sanitiser available at the entrance of, and in, the place of worship, which all attendees are required to use; and</p> <p>(b) there are facilities for the washing of hands with water and soap.</p> <p>(3) Every place of worship should implement measures to ensure that -</p> <p>(a) all surfaces and equipment are cleaned before and after religious activities to ensure that the place of worship is sanitised before the next religious activity commences;</p> <p>(b) that there is no sharing of equipment, objects, or religious scriptures; and</p> <p>(c) all areas such as toilets, common areas, door handles, electronic equipment and objects are sanitised as regularly as possible as required in the circumstances to prevent the spread of COVID-19.</p>	<p>These regulations must be given effect in consultation with the UKZN COVID-19 Compliance Officer/Manager; Safety, Health and Environment, Campus Management Services, which are to advise of and facilitate the processes to be utilised in this regard eg. for procuring sanitisers, ensuring that common areas are sanitised, etc.</p>

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	<p>Health Protocols for Places of worship</p> <p>8. (1) Religious leaders and persons in charge of places of worship must ensure that seating arrangements, where applicable, are compliant with social distancing norms.</p> <p>(2) A place of worship must keep a register which must be retained for a period of not less than 6 months, with the following details of each person attending the religious activity:</p> <ul style="list-style-type: none"> (a) Full names; (b) residential address; (c) cell number, telephone number or e-mail address; and (d) contact details of persons living in the same residence as the person attending the religious activity. <p>(3) All attendees should be informed about the dangers of COVID -19 and how to prevent it.</p> <p>(4) Social activities before and after the religious activity is not allowed.</p> <p>(5) Where places of worship remain open to the public for visits, prayer or counselling, the provisions of these Directions apply.</p> <p>(6) No substance or liquid may be shared between persons.</p> <p>(7) Any person over the age of 60 and persons with co-morbidities are encouraged to continue worshipping at home.</p>	<p>These regulations must be given effect in consultation with the UKZN COVID-19 Compliance Officer/Manager; Safety, Health and Environment, Campus Management Services. The register should be completed and forwarded to the COVID-19 Compliance Officer/Manager.</p>

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	(8) All funeral services conducted in places of worship must be limited to 50 persons in line with the restriction on funerals as per the Regulations.	

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<u>JUNE 2020</u>		
43408 05 June 2020	<p>EXTENSION OF A NATIONAL STATE OF DISASTER (COVID -19)</p> <p>I, the Minister of Cooperative Governance and traditional Affairs, as designated under Section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act "), in terms of section 27(5)(c) the Act, hereby extends the national state of disaster that I declared on 15 March 2020 by Government Notice 313, published in Government Gazette 43096, to 15 July 2020, taking into account the need to continue augmenting the existing mitigation measures undertaken by organs of state to address the impact of the disaster.</p>	All divisions of UKZN: self-explanatory.

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<u>JULY 2020</u>		
43524 13 July 2020	<p>FURTHER EXTENSION OF A NATIONAL STATE OF DISASTER (COVID -19)</p> <p>I, the Minister of Cooperative Governance and Traditional Affairs, as designated under Section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act "), in terms of section 27(5)(c) of the Act, hereby further extends the national state of disaster that I declared on 15 March 2020 by Government Notice 313, published in Government Gazette 43096, to 15 August 2020, taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster.</p>	All divisions of UKZN: self-explanatory.

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<u>AUGUST 2020</u>		
43616 15 August 2020	<p>FURTHER EXTENSION OF A NATIONAL STATE OF DISASTER (COVID -19)</p> <p>I, the Minister of Cooperative Governance and Traditional Affairs, as designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act "), in terms of section 27(5)(c) of the Act, hereby further extends the national state of disaster that I extended on 15 August 2020 by Government Notice 765, published in Government Gazette 43524, to 15 September 2020, taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster.</p>	All divisions of UKZN: self-explanatory.

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<u>SEPTEMBER 2020</u>		
43713 14 September 2020	EXTENSION OF A NATIONAL STATE OF DISASTER (COVID -19) I, the Minister of Cooperative Governance and Traditional Affairs, as designated under section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act "), in terms of section 27(5)(c) of the Act, hereby further extend the national state of disaster that I extended to 15 September 2020 by Government Notice 889, published in Government Gazette 43616, to 15 October 2020, taking into account the need to continue augmenting the existing legislation and contingency arrangements undertaken by organs of state to address the impact of the disaster.	All divisions of UKZN: self-explanatory.

EMPLOYMENT AND LABOUR

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<u>JUNE 2020</u>		
43400 4 June 2020	<p>Application 14. This Direction does not apply to a workplace- 14.1 excluded from the OHSA in terms of section 1(3) of the OHSA; 14.2 in respect of which another Minister has issued a direction under those Regulations dealing with health and safety.</p>	All divisions of UKZN: note that the University has not been excluded from the OHSA. However, if the Minister of Higher Education gazettes directions in respect of health and safety in the higher education space, then such directions become applicable in the higher education space.
	<p>Period of application 16. This Direction remains in force for as long as the declaration of a national disaster published in Government Gazette 43096 on 15 March 2020 remains in force.</p>	All divisions of UKZN: self-explanatory.
	<p>Plan for re- opening workplaces 17. As and when any regulations made in terms of section 27(2) of the Disaster Management Act permit industries, businesses, entities both private and in the public sector to commence operating, every employer commencing operations must-</p> <p>17.1 undertake a risk assessment in terms of clause 20.1 to 20.3; 17.2 on the basis of that risk assessment, develop a plan outlining the protective measures in place for the phased return of its employees before opening; 17.3 consult on the risk assessment and plan with-</p>	<p>All divisions of UKZN, COVID-19 Compliance Officer/Manager, Human Resources. Note that the return to the campus environment must be guided by the regulations/directions gazetted by the Department of Higher Education and Training</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety: self-explanatory.</p>

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	<p>17.3.1 any representative trade union as contemplated by section 14(1) of the Labour Relations Act, 1995 (Act No. 66 of 1995); and</p> <p>17.3.2 any health and safety committee established in terms of section 19 of OHS Act; or</p> <p>17.3.3 in the absence of such a committee, a health and safety representative designated in terms of section 17(1) of OHS Act or employee representative; and</p> <p>17.4 make that plan available for inspection by an inspector and a person contemplated in clause 17.3.</p> <p>18. The plan referred to in clause 17 must include-</p> <p>18.1 the date that the workplace will open and the hours of opening;</p> <p>18.2 a list of employees permitted to return to work and those who are required to work from home;</p> <p>18.3 the plan and timetable for the phased -in return of employees to the workplace;</p> <p>18.4 identify vulnerable employees for the purposes of clause 20.3;</p> <p>18.5 ways of minimizing the number of workers at the workplace at any one time contemplated in clause 20.8;</p> <p>18.6 the workplace protective measures required to be taken in terms of this Direction and any sectoral guideline to get the workplace COVID-19 ready;</p>	<p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety and trade unions in the UKZN environment: self-explanatory.</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety to consult with the UKZN Health and Safety Committee: self-explanatory.</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety, in consultation with trade unions in the UKZN environment and the UKZN Health and Safety Committee, to develop the plan. The requirements to be included in the plan are self explanatory.</p> <p>See above: Higher Health has developed sector specific guidelines for higher education. These must be considered.</p>

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	<p>18.7 the measures for the daily screening of employees and the screening of clients, contractors and visitors to the workplace; and</p> <p>18.8 the details of the COVI D -19 compliance officer appointed in terms of clause 20.6 of this Direction.</p> <p>19. The employer contemplated in clause 17 must phase the return of their employees to work in accordance with the plan.</p>	<p>ICS: to update the UKZN app as and when necessary and contact the Dept of Health to link to the tracking and tracing process per the Higher Health document on Integrated Digital COVID-19 Screening System.</p> <p>All divisions of UKZN: DR P S Zulu – ED:HR has been appointed as the COVID-19 Compliance Officer.</p> <p>All divisions of UKZN, COVID-19 Compliance Officer/Manager, Human Resources. Note that the return to the campus environment must be guided by the regulations/directions gazetted by the Department of Higher Education and Training.</p>
	<p>Administrative measures</p> <p>20. Every employer must establish the following administrative measures:</p> <p>20.1 It must undertake a risk assessment to give effect to the minimum measures required by this Direction taking into account the specific circumstances of the workplace;</p> <p>20.2 if the employer employs more than 500 employees, that employer must submit a record of its risk assessment together with a written policy concerning the protection of the health</p>	<p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety.</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety.</p>

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	<p>and safety of its employees from COVID -19 as contemplated in section 7(1) of OHS Act to-</p> <p>20.2.1 its health and safety committee established in terms of section 19 of OHS Act; and</p> <p>20.2.2 the Department of Employment and Labour within 21 days of the commencement of this Direction;</p> <p>20.3 it must take special measures to mitigate the risk of COVID-19 for vulnerable employees in accordance with the Department of Health's Guidelines to facilitate their safe return to work or their working from home;</p> <p>20.4 it must notify all workers of the contents of this Direction and the manner in which it intends to implement it;</p>	<p>COVID-19 Compliance Officer/Manager: Submission must be made to the Provincial Chief Inspector. The contact details are found at http://www.labour.gov.za/About-Us/Ministry/Pages/IES0320-7398.aspx</p> <p>Per the Department of Labour's website the details are: KwaZulu-Natal; Mr Edward Khambula (PCI); Tel: 0313662201/0313662203 Cell:0609859286; Edward.Khambula@labour.gov.za</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety: the guidelines referred to are the, "Guidance on vulnerable employees and workplace accommodation in relation to COVID-19". See below for the link.</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety, Corporate Relations (from a communication perspective): self-explanatory.</p>

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	<p>20.5 it must notify its employees that if they are sick or have symptoms associated with COVID-19 that they must not come to work and to take paid sick leave in terms of section 22 of the BCEA;</p> <p>20.6 it must appoint a manager as a COVID-19 compliance officer to-</p> <p>20.6.1 oversee the implementation of the plan contemplated in clause 17.2;</p> <p>20.6.2 oversee the adherence to the health and safety measures established in the workplace to give effect to requirements of this Direction including appointing employees to perform this function if the employer has more than one workplace;</p> <p>20.6.3 address employee or workplace representative concerns and to keep them informed and, in any workplace in which a health and safety committee has been elected, consult with that committee on the nature of the hazard in that workplace and the measures that need to be taken;</p> <p>20.7 it must ensure that the measures required by this Direction and its risk assessment plan are strictly complied with through monitoring and supervision;</p> <p>20.8 it must, as far as practicable, minimize the number of workers at the workplace at any given time through rotation, staggered working hours, shift systems, remote working arrangements or similar measures in order to achieve social distancing as contemplated in clause 21 and to limit congestion in public transport and at the workplace;</p>	<p>Human Resources: self-explanatory.</p> <p>All divisions of UKZN: Dr P S Zulu has been appointed as the COVID-19 Compliance Officer. Dr Zulu to oversee the requirements of these directions which are self-explanatory.</p> <p>COVID-19 Compliance Officer and all divisions of UKZN.</p> <p>COVID-19 Compliance Officer, Human Resources and all other divisions of UKZN. UKZN must consider the wider impact of the return to the work environment on the broader Kwazulu Natal community.</p>

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	<p>20.9 it must take measures to minimize contact between workers as well as between workers and members of the public;</p> <p>20.10 it must provide workers with information that raises awareness in any form or manner, including where reasonably practicable leaflets and notices placed in conspicuous places in the workplace informing workers of the dangers of the virus, the manner of its transmission, the measures to prevent transmission such as personal hygiene, social distancing, use of masks, cough etiquette and where to go for screening or testing if presenting with COVID-19 related symptoms;</p> <p>20.11 if a worker has been diagnosed with COVID -19, an employer must-</p> <p>20.11.1 inform the Department of Health and the Department of Employment and Labour; and</p> <p>20.11.2 investigate the mode of exposure including any control failure and review its risk assessment to ensure that the necessary controls and PPE requirements are in place;</p>	<p>COVID-19 Compliance Officer, Human Resources, Human Resources and Safety, Health and Environment/Occupational Health and Safety, Campus Management Services: self-explanatory.</p> <p>COVID-19 Compliance Officer/Manager, Human Resources and Safety, Health and Environment/Occupational Health and Safety, Corporate Relations (from a communication perspective). Note that notices from the Department of Health on the Legal Services COVID-19 page may assist in this regard.</p> <p>COVID-19 Compliance Officer/Manager to facilitate reporting. The report must be made to the COVID-19 hotline: 0800 02 9999.</p> <p>COVID-19 Compliance Officer, Human Resources and Safety, Health and Environment/Occupational Health and Safety, Campus Management Services: self-explanatory.</p>

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	<p>20.11.3 determine the need to temporarily close the affected work area for decontamination using an incident -based risk assessment with due regard to the Department of Health's Guidelines; and</p> <p>20.11.4 it must give administrative support to any contact -tracing measures implemented by the Department of Health.</p>	<p>COVID-19 Compliance Officer, Human Resources and Safety, Health and Environment/Occupational Health and Safety: the guidelines referred to is the, "Guidance note for workplaces in the event of identification of a COVID -19 positive employee". See below for the link.</p> <p>COVID-19 Compliance Officer, Human Resources, and ICS- this directive would infer that contact tracing measures are to be initiated by the Department of Health.</p>
	<p>Social distancing measures</p> <p>21. Every employer must arrange the workplace to ensure minimal contact between workers and as far as practicable ensure that there is a minimum of one and a half metres between workers while they are working, for example, at their workstations. Depending on the circumstances of the workplace or the nature of the sector, the minimum distance may need to be greater. Reducing the number of workers present in the workplace at any time in terms of clause 20.8 may assist in achieving the required social distancing.</p> <p>22. If it is not practicable to arrange work stations to be spaced at least one and a half metres apart, the employer must-</p>	<p>COVID-19 Compliance Officer, Human Resources and Safety, Health and Environment/Occupational Health and Safety, Campus Management Services: self-explanatory.</p>

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	<p>22.1 arrange physical barriers to be placed between work stations or erected on work stations to form a solid physical barrier between workers while they are working; or</p> <p>22.2 when required, supply the employee free of charge with appropriate PPE based on a risk assessment of the working place.</p> <p>23. Every employer must ensure that social distancing measures are implemented through supervision both in the workplace and in the common areas outside the immediate workplace through queue control or within the workplace such as canteens and lavatories. These measures may include dividing the workforce into groups or staggering break -times to avoid the concentration of workers in common areas.</p>	
	<p>Health and safety measures</p> <p>24. Every employer must implement the following health and safety measures.</p> <p><i>Symptom screening</i></p> <p>25. Every employer must take measures to-</p> <p>25.1 screen any worker when they report for work in order to-</p> <p>25.1.1 ascertain whether they have any of the symptoms associated with COVID -19 as per the current NICD definition, namely a cough, sore throat, shortness of breath (or difficulty in breathing), or loss of smell or taste;</p> <p>25.1.2 determine whether they suffer from any of the following additional symptoms: fever, body aches, redness of eyes, nausea, vomiting, diarrhea, fatigue, weakness or tiredness; and</p>	<p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources) and Safety, Health and Environment/Occupational Health and Safety, ICS (UKZN has developed an application that is to be utilised by employees, ICS to ensure that the application is updated as required). The NICD definition referred to is contained in, "Clinical management of suspected or</p>

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	<p>25.2 require workers to immediately inform the employer if they experience any of the symptoms in sub -clause 25.1 while at work.</p>	<p>confirmed COVID -19 disease”. See below for the link.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources) – a direct reporting mechanism to the COVID-19 Compliance Officer as some members of staff may wish to maintain confidentiality.</p>
	<p>26. Employers must comply with any guidelines issued by the National Department of Health in consultation with the Department in respect of - 26.1 symptom screening; and 26.2 if required to do so, medical surveillance and testing.</p> <p>27. If a worker presents with COVID -19- related symptoms, or advises the employer of these symptoms, the employer must - 27.1 not permit the worker to enter the workplace or report for work; or</p>	<p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety, ICS: note that these directions must be given effect to in consultation with the Department of Health. The guidelines referred to are, “Guidelines for symptom monitoring and management of essential workers for COVID-19 related infection”. See below for the link to the guidelines. Further the Higher Health document on Integrated Digital COVID-19 Screening System should be consulted and linking the application to the Dept. of Health tracking and tracing system should be considered.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety;</p>

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	<p>27.2 if the worker is already at work immediately-</p> <p>27.2.1 isolate the worker, provide the worker with a surgical mask and arrange for the worker to be transported in a manner that does not place other workers or members of the public at risk either to be self -isolated or to be referred for a medical examination or testing; and</p> <p>27.2.2 assess the risk of transmission, disinfect the area and the worker's workstation, undertake contact tracing and refer those workers who may be at risk for screening and take any other appropriate measure to prevent possible transmission;</p> <p>27.3 place its employee on paid sick leave in terms of section 22 of the BCEA or if the employee's sick leave entitlement under the section is exhausted, make application for an illness benefit in terms of clause 4 of the Directive issued on 25 March 2020 on the COVID -19 Temporary Employer Relief Scheme under regulation 10(8) of the Regulations promulgated in terms of section 27(2) of the Disaster Management Act;</p> <p>27.4 ensure that the employee is not discriminated against on grounds of having tested positive for COVID -19 in terms of section 6 of the Employment Equity Act, 1998 (Act No. 55 of 1998);</p> <p>27.5 if there is evidence that the worker contracted COVID -19 arising out of and in the course of employment, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of</p>	<p>Campus Management Services: these directions are largely self-explanatory however it must be noted that the University must allocate isolation areas on the various campus sites to meet with these directions.</p> <p>Human Resources: self-explanatory.</p> <p>Human Resources: self-explanatory</p> <p>Human Resources: self-explanatory</p>

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	<p>1993) in accordance with Notice 193 published on 3 March 2020.</p> <p>28. If a worker has been diagnosed with COVID -19 and isolated in accordance with the Department of Health Guidelines, an employer may only allow a worker to return to work on the following conditions:</p> <p>28.1 The worker has completed the mandatory 14 days of self - isolation;</p> <p>28.2 the worker has undergone a medical evaluation confirming fitness to work if the worker had moderate or severe illness;</p> <p>28.3 the employer ensures that personal hygiene, wearing of masks, social distancing, and cough etiquette is strictly adhered to by the worker;</p> <p>28.4 the employer closely monitors the worker for symptoms on return to work; and</p> <p>28.5 the worker wears a surgical mask for 21 days from the date of diagnosis.</p> <p>29. If a worker has been in contact in the workplace with another worker who has been diagnosed with COVID -19, the employer must assess that worker's exposure in accordance with the Department of Health's Guidelines to ascertain whether the exposure carries a high or low risk of transmission between the workers.</p>	<p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory. The Department of Health Guidelines referred to are, "Clinical management of suspected or confirmed COVID -19 disease", see below for the link.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory. The Department of Health's Guidelines are, "The Guidelines for symptom monitoring and management of essential workers for COVID -19 related infection" and "the guideline: Clinical management of</p>

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	<p>30. If there is a low risk of exposure, the employer - 30.1 may permit the worker to continue working using a cloth mask complying with standard precautions; and 30.2 must monitor the worker's symptoms for 14 days from the first contact.</p> <p>31. If there is a high risk of exposure- 31.1 the worker must remain in quarantine for 14 days; and 31.2 the employer of that worker must place the worker on sick leave in accordance with clause 27.3 for that period.</p> <p><i>Sanitizers, disinfectants and other measures</i> 32. For the purposes of these clauses, a hand sanitizer must be one that has at least 70% alcohol content and is in accordance with the recommendations of the Department of Health.</p> <p>33. Every employer must, free of charge, ensure that - 33.1 there are sufficient quantities of hand sanitizer based on the number of workers or other persons who access the workplace at the entrance of, and in, the workplace which the workers or other persons are required to use; and</p>	<p>suspected or confirmed COVID -19 disease". See below for the link.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety, Corporate Relations: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety; Campus Management Services: self-explanatory.</p>

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	<p>33.2 every employee who works away from the workplace, other than at home, must be provided with an adequate supply of hand sanitizer.</p> <p>34. If a worker interacts with the public, the employer must provide the worker with sufficient supplies of hand -sanitizer at that worker's workstation for both the worker and the person with whom the worker is interacting.</p> <p>35. Every employer must take measures to ensure that-</p> <p>35.1 all work surfaces and equipment are disinfected before work begins, regularly during the working period and after work ends;</p> <p>35.2 all areas such as toilets, common areas, door handles, shared electronic equipment are regularly cleaned and disinfected; and</p> <p>35.3 disable biometric systems or make them COVID -19-proof.</p> <p>36. The employer must ensure that -</p> <p>36.1 there are adequate facilities for the washing of hands with soap and clean water;</p> <p>36.2 only paper towels are provided to dry hands after washing - the use of fabric toweling is prohibited;</p> <p>36.3 the workers are required to wash their hands and sanitize their hands regularly while at work;</p>	<p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety; Campus Management Services: self-explanatory.</p> <p>ICS: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety; Campus Management Services: self-explanatory.</p>

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	<p>36.4 the workers interacting with the public are instructed to sanitize their hands between each interaction with a member of the public; and</p> <p>36.5 surfaces that workers and members of the public come into contact with are routinely cleaned and disinfected.</p> <p><i>Cloth masks</i></p> <p>37. The main benefit of everyone wearing a cloth mask is to reduce the amount of virus containing droplets being coughed up by those with the infection and transmitted to others and to surfaces that others may touch. Since some infected persons may not have symptoms or may not know they are infected, the Department of Health requires that all persons wear cloth masks when in a public place.</p> <p>38. For the reasons underlying the Department of Health's requirement, every employer must -</p> <p>38.1 provide each of its employees, free of charge, with a minimum of two cloth masks, which comply with the requirements set out in the Department of Health's recommendations, for the employee to wear while at work and while commuting to and from work; and</p> <p>38.2 require any other worker to wear masks in the workplace.</p> <p>39. The number and replaceability of cloth masks that must be provided to an employee or required of other workers must be determined in accordance with any sectoral guideline and in the light of the employee or worker's conditions of work, in</p>	<p>All divisions of UKZN: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety; Corporate Relations: self-explanatory. The recommendations referred to, issued by the Department of Health are contained in the document, "How to use mask cloth"- see below for the link to the document.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and</p>

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	<p>particular, where these may result in the mask becoming wet or soiled.</p> <p>40. Every employer must ensure that workers are informed, trained, instructed and supervise as to the correct use of cloth masks.</p> <p>41. The general requirement for workers to wear masks does not derogate from the fact that, where a risk assessment indicates that specific personal protective equipment is required, those categories of workers must be provided with the accredited personal protective equipment in accordance with Department of Health guidelines.</p> <p><i>Measures in respect of workplaces to which public have access</i></p> <p>42. The principal purpose of the measures contained in the following clause is to protect workers from being exposed to the virus through their interaction with the public and to protect members of the public from being exposed to virus through their interaction with workers or other persons present in such a workplace.</p> <p>43. Depending on what is reasonably practicable given the nature of the workplace contemplated in clause 42, every employer must-</p> <p>43.1 determine the floor area of the workplace in square metres in order to determine the number of customers and</p>	<p>Environment/Occupational Health and Safety; Corporate Relations: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety; Corporate Relations: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety; Corporate Relations; Campus Management Services: self-explanatory.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with</p>

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	<p>workers that may be inside the workplace at any one time with adequate space available;</p> <p>43.2 arrange the workplace to ensure that there is a distance at least one and a half metres between workers and members of the public or between members of the public; or</p> <p>43.3 put in place physical barriers at counters or provide workers with face shields or visors;</p> <p>43.4 if appropriate, undertake symptom screening measures of persons other than its employees entering the workplace with due regard to available technology and any guidelines issued by the Department of Health;</p> <p>43.5 if appropriate, display notices advising persons other than employees entering the workplace of the precautions they are required to observe while in the workplace;</p> <p>43.6 require members of the public, including suppliers, to wear masks when inside their premises;</p> <p>43.7 take steps to ensure that customers queuing inside or outside the workplace are able to maintain a distance of one and half metres from each other;</p> <p>43.8 provide hand sanitizer for use by the public at the entrance to the workplace;</p> <p>43.9 assign an employee as a compliance officer to ensure that these measures are complied with and that all directions in respect of hygienic conditions and limitation of exposure to persons with COVID-19 are adhered to.</p> <p><i>Ventilation</i></p> <p>44. Every employer must --</p> <p>44.1 keep the workplace well ventilated by natural or mechanical means to reduce the SARS -CoV -2 viral load;</p>	<p>Human Resources); Safety, Health and Environment/Occupational Health and Safety, ICS: available technology should be explored in this regard. Note that the Higher Health document on Integrated Digital COVID-19 Screening System should be consulted in this regard and linking the UKZN application to the Department of Health tracking and tracing system should be considered.</p> <p>COVID-19 Compliance Officer; Safety, Health and Environment/Occupational Health and Safety; Corporate Relations; Risk Management Services, Campus Management Services: self-explanatory.</p>

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	<p>44.2 where reasonably practicable, have an effective local extraction ventilation system with high- efficiency particulate air HEPA filters, which is regularly cleaned and maintained, and its vents do not feed back in through open windows;</p> <p>44.3 ensure that filters are cleaned and replaced in accordance with the manufacturer's instructions by a competent person.</p> <p><i>Specific Personal Protective Equipment</i></p> <p>45. Every employer must check regularly on the websites of the National Department of Health', National Institute of Communicable Diseases and the National Institute for Occupational Health whether any specialised personal protective equipment for COVID -19 is required or recommended in any guidelines given the nature of the workplace or the nature of a worker's duties and the associated level of risk.</p>	<p>All divisions of UKZN, in particular Campus Management Services with regard to mechanical means of ventilation.</p> <p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety.</p>
	<p>Worker obligations</p> <p>47. In addition to the obligations of employees under the OHS Act, every worker is obliged to comply with measures introduced by their employer as required by this Direction.</p>	<p>All divisions of UKZN: self-explanatory.</p>
	<p>Refusal to work due to exposure to COVID -19</p> <p>48. An employee may refuse to perform any work if circumstances arise which with reasonable justification appear to that employee or to a health and safety representative to pose an imminent and serious risk of their exposure to COVID-19.</p> <p>49. An employee who has refused to perform work in terms of clause 48 must as soon as is reasonably practicable notify the</p>	<p>COVID-19 Compliance Officer, Human Resources (Employee Wellness resides with Human Resources); Safety, Health and Environment/Occupational Health and Safety: there should be mechanisms in place for an employee to communicate directly with the COVID-19 Compliance Officer/health and safety representative with regard to these directions.</p>

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	<p>employer either personally or through a health and safety representative of the refusal and the reason for the refusal. Every employer must, after consultation with the compliance officer and any health and safety committee, endeavour to resolve any issue that may arise from the exercise of the right in terms of clause 48.</p> <p>50. Clause 48 applies whether or not the person refusing to work has used or exhausted any other applicable external or internal procedure.</p> <p>51. No person may advantage or promise to advantage any person for not exercising his or her right in terms of clause 48.</p> <p>52. No employer may make any deduction from an employee's remuneration, or require or permit an employee to make any payment to the employer or any other person, in respect of anything which the employer is obliged to provide or to do in terms of this Direction.</p> <p>53. No person may threaten to take any action against a person because that person has exercised or intends to exercise the right in terms of clause 48.</p> <p>54. No employee may be dismissed, disciplined, prejudiced or harassed for refusing to perform any work as contemplated in clause 48.</p>	<p>It is recommended that a University wide communique be circulated detailing the mechanisms in place for communication as well as the details of the COVID-19 Compliance Officer/health and safety representative. These directions are largely self-explanatory.</p>

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	<p>55. If there is a dispute as to whether clause 49 has been contravened, the employee may refer the dispute to the Commission for Conciliation, Mediation and Arbitration or an accredited bargaining council for conciliation and arbitration in accordance with the procedures contained in section 191 of the Labour Relations Act, 1995 (Act No. 66 of 1995).</p> <p>56. If the arbitrator appointed in terms of section 191 of that Act to determine a dispute referred in terms of clause 56 finds that the employer has contravened clause 55, the arbitrator may make any appropriate order contemplated in section 193 read with 194(3) or (4) of that Act.</p>	
	<p>Monitoring and enforcing the Direction</p> <p>57. If a person fails to comply with this direction, an inspector may perform any of the functions in section 29 of OHSA and exercise any of the powers listed in section 30 of OHSA in order to monitor compliance with this Direction.</p> <p>58. In so far as any contravention of this Direction constitutes a contravention of an obligation or prohibition under OHSA, the offences and penalties provided for in section 38 of OHSA apply.</p> <p>59. An inspector may for the purpose of promoting, monitoring and enforcing compliance with the OHSA, advise employees and employers of their rights and obligations in terms of this Direction in accordance with section 64 of the BCEA.</p>	<p>COVID-19 Compliance Officer and all divisions of UKZN: self-explanatory.</p>

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	<p>Sectoral protocols and guidelines</p> <p>60. Sectoral or industry associations must, in the event of high health risks, develop sector -specific health protocols in consultation with the Department of Health to limit the spread of COVID -19 in the sector including providing for those circumstances where a firm within the sector cannot stagger working hours or provide transport for its employees.</p> <p>...</p>	<p>COVID-19 Compliance Officer; Human Resources; Safety, Health and Environment/Occupational Health and Safety: please note that Higher Health, which is a joint initiative between the Department of Education and The Department of Health, has developed sector specific guidelines for the higher education environment.</p>
	<p style="text-align: center;">Annexure A</p> <p style="text-align: center;">DEPARTMENT OF HEALTH LINKS</p> <p>Guidance on vulnerable employees and workplace accommodation in relation to COVID -19 (V4: 25 May 2020) http://www.nioh.ac.za/wp-content/uploads/2020/05/20_2020-V4.-Guidance-on-vulnerable-employees-and-workplace-accommodation....pdf</p> <p>Guidance note for workplaces in the event of identification of a COV1D-19 positive employee http://www.nioh.ac.za/wp-content/uploads/2020/05/guidelines_positive_worker_19_May_20.pdf</p> <p>Clinical management of suspected or confirmed COVID -19 disease Version 4 (18th May 2020) https://www.nicd.ac.za/wp-content/uploads/2020/05/Clinical-management-of-suspected-or-confirmed-COVID-19-Version-4.pdf</p>	<p>COVID-19 Compliance Officer; Human Resources; Safety, Health and Environment/Occupational Health and Safety: these documents are referenced in the gazetted directives and must be consulted for direction.</p>

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	<p>Guidelines for symptom monitoring and management of essential workers for COVID -19 related infection http://www.nioh.ac.za/wp-content/uploads/2020/04/Guidance-for-symptom-monitoring-and-management-of-essential-staff-with-COVID-19-related-illness-final.pdf</p> <p>How to use mask cloth http://www.health.gov.za/index.php/component/phocadownload/category/631</p>	

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43540 23 July 2020	<p>Schedule</p> <p>2. All employers and Medical Service Providers must follow the stipulated prescripts when submitting claims and supporting medical reports for Covid-19.</p> <p>3. When submitting reports online through the CompEasy system or Mutual Association Claims systems, Medical Service Providers must use the emergency COVID-19 ICD-10 code: U07.1 as proposed by the World Health Organization (WHO).</p>	The COVID-19 Compliance Officer and Human Resources - Payroll
	<p>3. Diagnosis</p> <p>3.1. Workplace-acquired COVID-19 diagnosis relies on:</p> <p>a) Assessment of the inherent risk posed by various categories of work and occupations; or</p> <p>b) Exposure to a known source of COVID-19 at the workplace; or</p> <p>c) An approved official trip and travel history to countries and/or areas of high risk for COVID-19 on work assignment; and</p> <p>d) A reliable diagnosis of COVID-19 as per WHO guidelines; and</p> <p>e) A chronological sequence between exposure at the work place and the development of symptoms.</p>	The COVID-19 Compliance Officer and Human Resources – included for noting purposes.
	<p>3.3. Occupational Risk Stratification</p> <p>...</p> <p>3.3.1. Very high exposure risk occupations</p> <p>Very high exposure risk occupations are those with high potential for exposure to known or suspected sources of</p>	The COVID-19 Compliance Officer and all divisions of UKZN to assess if any of the listed occupations are within the scope and operation of each division.

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	<p>COVID-19 during specific medical, post mortem or laboratory procedures. Employees in this category include:</p> <p>a) Healthcare workers (eg. doctors, nurses, dentists, paramedics, emergency medical technicians) performing aerosol-generating procedures (e.g. intubation, cough induction procedures, bronchoscopies, some dental procedures and exams or invasive specimen collection) on known or suspected COVID-19 patients.</p> <p>b) Healthcare or laboratory employees collecting or handling specimens from known or suspected COVID-19 patients (e.g. manipulating cultures from known or suspected COVID-19 patients).</p> <p>c) Healthcare employees conducting cardio-respiratory function testing (e.g. spirometry, exercise electrocardiogram, respiratory physiotherapy etc.).</p> <p>d) Morgue employees performing autopsies, which generally involve aerosol-generating procedures, on the bodies of people who are known to have, or suspected of having, COVID-19 at the time of their death.</p>	
	<p>3.3.2. High exposure risk occupations</p> <p>High exposure risk occupations are those with high potential for exposure to known or suspected patients with COVID-19 disease. Employees in this category include:</p> <p>a) Healthcare delivery and support employees (e.g. doctors, nurses and other hospital staff who must enter patients rooms) exposed to known or suspected COVID-19 patients.</p>	<p>The COVID-19 Compliance Officer and all divisions of UKZN to assess if any of the listed occupations are within the scope and operation of each division.</p>

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	<p>(Note: when such employees perform aerosol-generating procedures, their exposure risk level becomes very high).</p> <p>b) Medical transport employees (e.g. ambulance personnel and porters) moving known or suspected COVID-19 patients in enclosed vehicles.</p> <p>c) Mortuary employees involved in preparing (e.g. for burial or cremation) the bodies of people who are known to have, or suspected of having COVID-19 at the time of their death.</p>	
	<p>3.3.3. Medium exposure risk occupations Medium exposure risk occupations include those that require frequent and/or close contact (i.e. within 1.5 metres) with people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. In areas without ongoing community transmission, employees in this risk group may have frequent contact with travellers who may return from international locations with widespread COVID-19 transmission.</p> <p>In areas where there is ongoing community transmission, employees in this category may have contact with the general public (e.g. in schools, high-population-density work environments, such as labour centres, consulting rooms, point of entry personnel and some high-volume retail settings).</p>	<p>The COVID-19 Compliance Officer and all divisions of UKZN to assess if any of the listed occupations are within the scope and operation of each division.</p>
	<p>3.3.4. Low exposure risk occupations Lower exposure risk occupations are those that do not require contact with people known to be or suspected of being</p>	<p>The COVID-19 Compliance Officer and all divisions of UKZN to assess if any of the listed</p>

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	infected with Covid-19, nor frequent close contact (i.e. within 1.5 meters) with the general public. Employees in this category have minimal occupational contact with the public and other fellow employees.	occupations are within the scope and operation of each division.
	3.3.5. The Medical Officers in the Compensation Fund will determine whether the diagnosis of Covid-19 was made according to acceptable medical standards.	The COVID-19 Compliance Officer and Human Resources – included for noting purposes.
	3.3.6. The above categorization of occupations serves only as a guide to assist employers in assessing the risk of employees contracting COVID-19 at the workplace. All employees, regardless of occupation, are entitled to make a claim for compensation in the event that they contract COVID-19 at the workplace.	The COVID-19 Compliance Officer and Human Resources – included for noting purposes.
	<p>4. Impairment</p> <p>4.1. Assessment of permanent impairment shall be determined three (3) months after diagnosis and when Maximum Medical Improvement (MMI) has been reached.</p> <p>The degree of impairment will be evaluated based on the medical complications of the Covid-19 from the affected body system(s).</p> <p>4.2. Where there are medical complications, additional tests required to assess the presence of abnormalities present in the cardio-respiratory system and other organ systems affected by COVID-19 must also be provided.</p>	For noting by all divisions of UKZN and the COVID-19 Compliance Officer.

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	<p>5. Benefits</p> <p>5.1. Temporary total disablement (TTD)</p> <p>a) Payment for temporary total disablement due to infection with COVID-19 shall be made for as long as such disablement continues, but not for a period exceeding 30 days.</p> <p>b) In an instance where there are medical complications, the Commissioner has a right to review each case on merit.</p> <p>5.1.1. Persons under investigation (PUI)</p> <p>a) The Compensation Fund does not provide compensation for unconfirmed cases which are still being investigated.</p> <p>b) For self-isolation or self-quarantine, the employer must follow the directive published by the Minister of Employment and Labour regarding the COVID-19 Temporary Employee/Employer Relief Scheme (TERS), as amended, or the Consolidated COVID-19 Directive on Health and Safety in the Workplace, whichever is applicable.</p> <p>5.1.2 Confirmed Cases</p> <p>a) For confirmed cases and where the Compensation Fund has accepted liability, temporary total disablement due to infection with COVID-19 shall be paid from the date of diagnosis up to 30 days.</p> <p>b) In an instance where there are medical complications, the Commissioner has a right to review each case on merit.</p>	<p>For noting by all divisions of UKZN and the COVID-19 Compliance Officer.</p>

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	<p>5.2. Permanent Disablement:</p> <p>5.2.1. In an instance where there are medical complications, the Commissioner has a right to assess each case on merit and determine if there is any permanent disablement due to infection with COVID-19.</p> <p>5.2.2. Permanent Disablement shall be assessed three (3) months from the date of diagnosis.</p>	<p>For noting by all divisions of UKZN and the COVID-19 Compliance Officer.</p>
	<p>5.3. Medical Aid</p> <p>In all accepted cases of COVID-19, medical aid shall be provided for a period of not more than 30 days from the date of diagnosis. If in the opinion of the Director-General further medical aid will reduce the extent of the disablement this shall be considered.</p>	<p>For noting by all divisions of UKZN and the COVID-19 Compliance Officer.</p>
	<p>5.4. Death Benefits</p> <p>Reasonable burial expenses, widow's/widower's and dependent's pensions shall be payable, where applicable, if an employee dies as a result of the complications of COVID-19.</p>	<p>For noting by all divisions of UKZN and the COVID-19 Compliance Officer.</p>
	<p>6. Reporting</p> <p>6.1. The following documentation should be submitted to the Compensation Commissioner or the employer individually liable or the mutual association concerned:</p> <p>a) Employer's Report of an Occupational Disease (W.CL.1).</p> <p>b) Notice of an Occupational Disease and Claim for Compensation (W.CL.14).</p> <p>c) Exposure and Medical Questionnaire.</p>	<p>Human Resources and the COVID-19 Compliance Officer.</p>

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	<p>d) First Medical Report in respect of an Occupational Disease (W.CL.22) indicating U07.1 as the ICD-10 code for Covid-19.</p> <p>e) Exposure History (W.CL. 110) and/or any other appropriate employment history which may include any information that may be helpful to the Compensation Commissioner.</p> <p>f) A medical report on the employee's symptoms that details the history, establishes a diagnosis of COVID-19 and laboratory results and chest radiographs where appropriate or any other information relevant to the claim.</p> <p>g) For each consultation, a Progress Medical Report (W.CL. 26).</p> <p>h) Final Medical Report in respect of an Occupational Disease (W.CL.26) when the employee's condition has reached Maximum Medical Improvement (MMI).</p> <p>i) An affidavit by the employee if employer cannot be traced or will not timeously supply a W.CL.1, where applicable.</p> <p>6.2 Online claims for Covid-19 must be made through the following channels, indicating the correct ICD-10 code - U07.1:</p> <p>Compensation Fund: CompEasy (www.labour.gov.za)</p>	

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	<p>Rand Mutual Assurance: CompCare (www.randmutual.co.za) Federated Employers Mutual: IMS (https://roe.fem.co.za)</p> <p>6.3. Submission of manual claims for COVID-19 must be sent to these email addresses:</p> <p>Compensation Fund</p> <table border="0"> <thead> <tr> <th data-bbox="611 647 891 675">Province</th> <th data-bbox="913 647 1122 675">E-Mail Address</th> </tr> </thead> <tbody> <tr> <td data-bbox="611 699 633 719">...</td> <td></td> </tr> <tr> <td data-bbox="611 727 819 754">Kwa-Zulu Natal</td> <td data-bbox="913 727 1391 754">KZN-Covid19claims@labour.gov.za</td> </tr> <tr> <td data-bbox="611 762 786 790">Tel. Number</td> <td data-bbox="913 762 1122 790">(031) 366 2033</td> </tr> </tbody> </table> <p>Compensation Fund National Enquiries</p> <table border="0"> <tbody> <tr> <td data-bbox="611 882 808 909">CF Call Centre</td> <td data-bbox="913 882 1305 909">covid19claims@labour.gov.za</td> </tr> <tr> <td data-bbox="611 917 779 944">Tel. Number</td> <td data-bbox="913 917 1093 944">0860 105 350</td> </tr> </tbody> </table> <p>Mutual Assurances</p> <table border="0"> <tbody> <tr> <td data-bbox="611 1042 920 1069">Rand Mutual Assurance</td> <td data-bbox="931 1042 1361 1069">contactcentre@randmutual.co.za</td> </tr> <tr> <td data-bbox="611 1077 779 1104">Tel. Number</td> <td data-bbox="891 1077 1070 1104">086 022 2132</td> </tr> </tbody> </table> <p>Federated Employers Mutual: FEM-Registry@fema.co.za</p> <table border="0"> <tbody> <tr> <td data-bbox="611 1197 779 1224">Tel. Number</td> <td data-bbox="999 1197 1189 1224">(011) 3594300</td> </tr> </tbody> </table>	Province	E-Mail Address	...		Kwa-Zulu Natal	KZN-Covid19claims@labour.gov.za	Tel. Number	(031) 366 2033	CF Call Centre	covid19claims@labour.gov.za	Tel. Number	0860 105 350	Rand Mutual Assurance	contactcentre@randmutual.co.za	Tel. Number	086 022 2132	Tel. Number	(011) 3594300	
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	<p>7. Claims Processing</p> <p>The Office of the Compensation Commissioner shall consider and adjudicate upon the liability of all claims. The Medical Officers in the Compensation Commissioners' Office are</p>	<p>For noting by all divisions of UKZN and the COVID-19 Compliance Officer.</p>																		

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	responsible for the medical assessment of the claim and for the confirmation of the acceptance or rejection of the claim.	
	COVID-19 EXPOSURE AND MEDICAL QUESTIONNAIRE (to be completed by employer) – to be obtained from gazette 43540.	Human Resources and the COVID-19 Compliance Officer.

HEALTH

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43533 as amended by 43600: 17 July 2020 and 07 August 2020	<p>Recruitment and Training of Human Resources</p> <p>2. (1) Additional health personnel must be recruited or seconded and deployed in strategic areas such as points of entry, surveillance, case investigation, laboratory service, mortuaries, environmental health and quarantine sites, etc. for the purposes of addressing, preventing and combating the spread of COVID -19.</p> <p>(2) The recruitment process in relation to critical COVID -19 related posts must be shortened by advertising a post and effecting appointments within a period of a week, on condition that an appointment may be set aside depending on the outcome of personnel suitability checks and verification processes.</p> <p>(3) Special technical skills required to support the Department and enhance capacity on a short term basis may be recruited in line with COVID -19 emergency acquisitions processes.</p> <p>(4) Where required, officials must be urgently seconded within a week.</p> <p>(5) All health personnel employed in both the public and private sector must be trained on COVID -19 for the effective and efficient management of the COVID -19 outbreak including the management of mortal remains.</p>	The COVID-19 Compliance Officer should take note of these directives in relation to quarantine sites that have been identified for use by UKZN in respect of staff and students. HR should also take note of these sections as staff with relevant expertise may be seconded as required by the Department of Health.

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	<p>Deployment of Human Resources</p> <p>3. (1) Health authorities in the three spheres of government must identify areas where there is a need for the deployment of health personnel to respond to the COVID-19 outbreak irrespective of their areas of jurisdiction or area of responsibility.</p> <p>(2) All health personnel must be available for deployment to the identified sites such as quarantine facilities and any other areas that require health services.</p>	<p>Included for noting purposes by HR and the College of Health Sciences (and any other areas of the University where Health authorities may deem it necessary for staff to be seconded from).</p>
	<p>Sourcing of Human Resources from the Expanded Public Works Programme, Retired Health Professionals, unemployed health professionals or graduates, Community Based Organisations and Non -Governmental Organisations to render services in identified sites</p> <p>4. (1) Retired health personnel, community services personnel, extended public works programme workers, unemployed health professionals or graduates, Community Based Organisations and Non -Governmental Organisations may be requested to fill in positions on a temporary basis to assist in responding to the COVID -19 outbreak.</p> <p>(2) Health authorities in the three spheres of government must engage with Non - Governmental Organisations and individual retired health professionals to consider assisting government in rendering services in identified sites.</p> <p>(3) Health authorities in the three spheres of government must liaise with the Department of Public Works and Infrastructure</p>	<p>Included for noting purposes, as the University may be contacted by Health authorities to furnish details of graduates or retired staff members especially from Health Sciences, who may be required to provide assistance.</p>

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	or relevant agencies for the purposes of sourcing expanded public works programme workers to support the fight against COVID-19.	
	<p>Provision of Health Equipment, Sanitation Materials and Medical Supplies</p> <p>5. (1) Health authorities in the three spheres of government must endeavour to source and provide health equipment, sanitation material and medical supplies to various sites as may be required to respond to the COVID -19 outbreak.</p> <p>(2) All health care risk waste generated from the use of health equipment material and medical supplies must be treated in compliance with the provisions of the National Environmental Health Norms and Standards, published in Government Gazette No. 39561 of 24 December 2015.</p> <p>(3) Personnel must be trained in the use of the items referred to in subparagraph (1) including PPE.</p>	Included for noting purposes and may be of relevance to the College of Health Sciences.
	<p>Disposal of waste and sanitation of equipment from quarantine or treatment facility</p> <p>6. (1) The segregation, storage, collection, treatment, handling and disposal of health care waste must be dealt with as provided for in the National Public Hygiene Strategy and Implementation Plan for 2020 available on the website of the National Department of Health.</p>	The COVID-19 Compliance Officer and Campus Management Services in respect of areas on UKZN campus sites that may have been identified as quarantine sites for use by staff and students.

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	(2) All medical equipment used in the quarantine and isolation facility must be sterilised first before it can be used again.	
	<p>Identification and establishment of mortuaries that will accommodate all COVID -19 mortal remains</p> <p>7. (1) Municipalities must identify suitably authorised mortuaries with valid certificates of competence, for the accommodation of all COVID -19 mortal remains and further management.</p> <p>(2) All Provincial Departments of Health must identify suitable government mortuaries that will accommodate COVID -19 mortal remains and determine their capacity.</p> <p>(3) Private and government mortuary operators must make available additional mortuary capacity and multi - transportation for mortal remains should the need arise.</p> <p>(4) Municipalities and traditional authorities must identify and make land available for multi -burials should the need arise.</p>	<p>Included for noting purposes by the COVID-19 Compliance Officer as there may be sites on the various UKZN campuses that have been identified for quarantine purposes. The Ethekewini Municipality should be contacted so that a database in this regard can be created.</p>
	<p>Handling of COVID -19 mortal remains: General</p> <p>8. (1) The handling, transportation, importation, exportation and final disposal of COVID -19 mortal remains must be conducted only in accordance with chapters 4, 5 and 6 of the Human Remains Regulations.</p> <p>(2) All persons handling COVID -19 mortal remains must wear suitable personal protective clothing at all times.</p>	<p>Included for noting purposes by the COVID-19 Compliance Officer and College of Health Sciences.</p>

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	<p>(3) All persons handling COVID -19 mortal remains must practice good personal hygiene such as washing hands with soap and water and using personal protective clothing.</p> <p>(4) No person may at any given time make contact with, or touch, the mortal remains without wearing the appropriate PPE.</p> <p>(5) Municipalities and private mortuary operators must ensure that the burial or cremation of COVID -19 mortal remains takes place in suitably approved cemeteries or crematoria, respectively.</p> <p>(6) Where the carrying capacity of the cemetery may be exceeded as a result of COVID -19 deaths, the municipality or traditional authority may allow more than one human remain to a maximum of three human remains to be buried in one grave.</p>	
	<p>Handling of COVID -19 mortal remains in mortuaries or at funeral undertakers</p> <p>9. (1) A body bag must be used for transferring the body from the mortuary to a private undertaker, to be exported for non - South Africans or to the family for final burial or cremation. Those handling the body at this point must use full PPE.</p> <p>(2) The outer surface of the body bag must be decontaminated immediately after the body has been put into the bag and may require at least two individuals wearing the appropriate PPE, in order to manage this process.</p>	<p>Included for noting purposes by the College of Health Sciences.</p>

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	<p>(3) The trolley carrying the body must be disinfected prior to leaving the ward or anteroom.</p> <p>(4) Prior to leaving the ward or anteroom, the staff members must remove their PPE.</p> <p>(5) (a) Once in the hospital or private mortuary, the body bag may be opened for family members (one at a time) to view the human remains. (b) The mortuary attendant must wear full PPE at the mortuary. (c) The family members must be provided with masks and gloves for the viewing and must not touch the body with bare hands.</p> <p>(6) Washing or preparing the mortal remains is allowed provided those carrying out the task wear PPE such as gloves, masks and waterproof coverall and all PPE used must be disposed of immediately. However, the washing and preparing of the mortal remains by family members is not encouraged due to the health risks.</p> <p>(7) Mortuary staff and funeral directors must be advised by the Environmental Health Practitioner of the biohazard risk.</p> <p>(8) No washing is allowed out of the mortuary or funeral undertaker's premises.</p>	

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	<p>(9) If the family wishes to dress the body, they may do so at the funeral undertaker's premises prior to the body being placed in the body bag and those carrying out the task must wear PPE such as gloves, masks and waterproof coverall apron and all PPE used must be disposed of immediately.</p> <p>(10) If a post mortem is required, safe working techniques must be used and full PPE must be worn.</p> <p>(11) In order to avoid excessive manipulation of the body, embalming is not recommended; however, if embalming is undertaken, the embalmer must wear full PPE.</p> <p>(12) After use, empty body bags must be cut and disposed of as health care risk waste.</p> <p>(13) After use, the reusable empty heavy duty body bags must be treated in terms of existing procedures.</p>	
	<p>Measures when a person passes on at home</p> <p>10. (1) In the event that a person dies at home of COVID -19, the person or persons attending to the mortal remains must not, at any stage, handle the mortal remains.</p> <p>(2) Emergency Medical Services must be called immediately to declare the person dead, before removal by an undertaker.</p> <p>(3) The deceased person's apparel and other articles on the deceased person's body must be handled with gloves and</p>	<p>Included for noting purposes by the COVID-19 Compliance Officer and Campus Management Services in respect of sites on UKZN campuses that have been identified for quarantine purposes.</p>

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	<p>cleaned with a detergent followed by disinfection with a solution of at least 70% ethanol or 0.1% (1000 ppm) bleach.</p> <p>(4) Clothing and other fabric worn by the deceased must be machine washed with warm water at 60 ° -90 °C (140- 194 °F) and laundry detergent.</p> <p>(5) If machine washing is not possible, linens may be soaked in hot water and soap in a large drum using a stick to stir while being careful to avoid splashing.</p> <p>(6) The drum must then be emptied, and the linens must be soaked in 0.05% chlorine for approximately 30 minutes. Finally, the laundry must be rinsed with clean water and the linens must be allowed to dry in full sunlight.</p>	
	<p>Conveyance of COVID -19 mortal remains</p> <p>11. (1) The mortal remains of a COVID -19 patient may not be conveyed in public in any way unless-</p> <p>(a) such remains are placed in a polythene bag, sealed in an airtight container, placed in a sturdy non -transparent sealed coffin, and the total surface of the body is covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant: Provided the embalming is done only if the mortal remains are transported across borders or for long distances;</p> <p>(b) a transparent body bag is utilised for ease of verification of the human remains without breaking the seal of the body bag;</p> <p>(c) a medical practitioner declares, in writing, that in his or her opinion the conveyance of such mortal remains will not</p>	<p>Included for noting purposes by the COVID-19 Compliance Officer.</p>

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	<p>constitute a health hazard if handled in accordance with the requirements provided for above; and</p> <p>(d) the body is transported in an authorised vehicle designated and certified to transport mortal remains.</p> <p>(2) No person other than an attending medical practitioner, an attending forensic pathologist or a medical practitioner who can prove that he or she has treated the deceased during illness, may certify that the person did not die of an infectious disease. A certificate or declaration that a person did not die of an infectious disease must-</p> <p>(a) accompany the mortal remains at all times during the conveyance and up to the burial; and</p> <p>(b) be shown to an Environmental Health Practitioner on demand, by the person responsible for the conveyance of the mortal remains.</p> <p>(3) No person may-</p> <p>(a) damage a polythene bag or a sturdy non -transparent sealed coffin;</p> <p>(b) open such bag or coffin;</p> <p>(c) remove the mortal remains from the bag or coffin; or</p> <p>(d) come into direct contact with the mortal remains after the bag or coffin has been sealed, unless it is done on the funeral undertaker's premises with suitable PPE.</p> <p>(4) Notwithstanding the provisions of subparagraph (1), the importation and exportation of human remains must be in accordance with requirements of the Human Remains Regulations.</p>	

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	<p>Hygiene requirements for mortuary premises: COVID019 remains</p> <p>13. (1) The mortuary must be kept clean and properly ventilated and illuminated at all times.</p> <p>(2) Surfaces and instruments must be made of materials that can be easily disinfected as prescribed in the Human Remains Regulations.</p> <p>(3) Surfaces, where the body was prepared, must first be cleaned with soap and water, or a commercially prepared detergent solution. After cleaning, a disinfectant with a minimum concentration of 0.1% (1000 ppm) sodium hypochlorite (bleach), or 70% ethanol must be used to disinfect.</p>	<p>Included for noting purposes by the College of Health Sciences.</p>
	<p>Disposal of COVID -19 Mortal Remains</p> <p>15. (1) The COVID -19 mortal remains must not be kept for more than seven days at the mortuary.</p> <p>(2) The relevant health authority may intervene where mortal remains are not claimed within seven days.</p> <p>(3) Should the death rate appear to exceed the capacity of available space to keep mortal remains, the relevant health authority may intervene to facilitate multi -burials.</p> <p>(4) Municipalities must ensure that a multi -burial is done in consideration of human dignity and the necessary controls must be put in place to ensure that mortal remains can be identified.</p>	<p>Included for noting purposes by the College of Health Sciences.</p>

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	<p>(5) Machinery (for digging and closing of graves) may be used if deemed fit to prevent the further spread of COVID -19 and when hand tools are used during digging and closing of the grave, the tools must be sanitised.</p>	
	<p>Persons entering the Republic</p> <p>17. (3) A person who wishes to be placed under self-quarantine or his or her employer must submit a written application, 72 hours prior to the intended date of travel, to the Director -General: Health to obtain approval.</p> <p>(4) An application referred to in subparagraph (3) must be supported by the following:</p> <p>(a) Particulars of the place and address where self -quarantine will take place;</p> <p>(b) written declaration committing to all conditions for self -quarantine;</p> <p>(c) copy of Identity Document or Passport;</p> <p>(d) contact details where the applicant may be reached for the duration of the quarantine period; and</p> <p>(e) details of his or her itinerary for the last 30 days.</p> <p>(5) Where approval for self -quarantine has not been granted or it has been determined that the person has failed to adhere to the self -quarantine conditions, such a person will be placed at in a state identified quarantine facility.</p> <p>(6) Subject to subparagraphs (7) and (8), the Director -General: Health may exempt the following categories of persons from the requirement for quarantine:</p>	<p>Human Resources and the COVID-19 Compliance Officer in respect of staff members who are foreign nationals and who may be allowed to return to work during the Lockdown period, from outside of South Africa.</p>

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	<p>(a) Persons arriving in the country to attend the funeral of an immediate family member;</p> <p>(b) persons who, for medical reasons, are unable to undergo quarantine;</p> <p>(c) cross border truck drivers; and</p> <p>(d) commuting cross border school learners, students, educators and persons transporting them.</p> <p>(7) Persons referred to in subparagraph (6) will be subjected to screening at the point of entry and where necessary, medical examination and daily monitoring by a health officer.</p> <p>(8) Persons referred to in subparagraph (6) (a) and (b) must submit a written request to the Director -General: Health with supporting documentation prior to written approval, for an exemption from quarantine, being granted.</p> <p>(9) Persons exempted from quarantine by the Director - General: Health must, on arrival, adhere to COVID -19 precautionary measures and conditions communicated by a port health official.</p>	
	<p>Cost of Quarantine</p> <p>18. (1) Where exceptional circumstances make it necessary for the mandatory quarantine or isolation of a person entering the Republic to take place in a manner which involves the incurring of additional costs beyond those ordinarily incurred as a result of mandatory quarantine or isolation, the Director -General: Health may direct that such person, or his or her employer, is to pay the additional costs incurred.</p>	<p>Human Resources and the COVID-19 Compliance Officer in respect of staff members who are foreign nationals and who may be allowed to return to work during the Lockdown period, from outside of South Africa.</p>

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	<p>(2) Self- quarantine and self -isolation are at own or the employer's expense.</p> <p>(3) Employers who wish to have their employees in quarantine or isolation facilities of the employers' choice must pay all costs incurred.</p> <p>(4) Quarantine or isolation facilities must adhere to the criteria stipulated in the approved guidelines for quarantine and isolation.</p> <p>(5) Monitoring and testing of employees in quarantine or isolation remains the responsibility of the employer and this would be at no cost to the state.</p>	
	<p>Criteria for self -quarantine and self -Isolation</p> <p>19. (1) In order to qualify for self -quarantine or self-Isolation, the applicant must have the following:</p> <p>(a) Separate well ventilated bedroom with a bathroom and toilet, or a residence that is not shared with persons who are not subject to quarantine;</p> <p>(b) meals served in the room in disposable utensils or utensils that are separate and are washed properly, if there are persons who are not subject to quarantine;</p> <p>(c) support from friends or family that can facilitate the drop off of food and medicine at the gate if they are not able to make use of online shopping facilities and contactless deliveries;</p>	<p>For noting by all divisions however Human Resources and the COVID-19 Compliance Officer should take note of these regulations in respect of staff members who are foreign nationals and who may be allowed to return to work during the Lockdown period, from outside of South Africa. These directives should also be noted Campus Management Services and ICS in respect of quarantine sites that may have been identified on the UKZN campus premises for use by staff and students.</p>

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	<p>(d) thermometer that will allow him or her to measure his or her temperature daily;</p> <p>(e) access to the internet and a phone that allows the daily reporting of symptoms;</p> <p>(f) access to a private physician that he or she can contact should he or she be in need of medical advice or care; and</p> <p>(g) a contact number where he or she can be reached during the period of self - quarantine or self -isolation.</p> <p>(2) If a person's application is approved by the Director - General: Health he or she will be allowed to self -quarantine or isolate on arrival and will be subjected to health reporting protocols and regular follow -ups by the Department of Health.</p>	
	<p>Designation of quarantine facilities</p> <p>21. The National Department of Health, provincial departments of health, the Department of Public Works and Infrastructure and municipalities must collaboratively allocate and designate quarantine facilities which will be under the management of the provincial departments of health, and which must provide, amongst others, the following:</p> <p>(a) Primary health care services including test swabs and supporting medical services;</p> <p>(b) Environmental health services;</p> <p>(c) Emergency medical services;</p> <p>(d) Forensic pathology services; and</p> <p>(e) PPE.</p>	<p>The requirements of these directives should be noted by the COVID-19 Compliance Officer and Campus Management Services in respect of quarantine sites that may have been identified on the UKZN campus premises for use by staff and students.</p>
	<p>A symptomatic person</p> <p>21A (1) A person who tests positive for COVID -19 and is symptomatic with mild disease (not requiring hospitalisation</p>	<p>All divisions of UKZN for noting purposes. It must be further noted that the isolation period</p>

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	<p>for COVID -19) must be isolated for a period of at least 10 days from the date when the symptoms set in.</p> <p>(2) A person may de- isolate 10 days after the onset of symptoms, provided that the person no longer has fever and his or her other symptoms have improved.</p> <p>(3) A symptomatic person with moderate-severe disease must be isolated for 10 days after recovery when the person no longer requires supplemental oxygen and is clinically stable.</p>	<p>for persons who test positive has been reduced from 14 days to 10 days.</p>
	<p>An asymptomatic person 21B An asymptomatic person who tests positive for COVID -19 must be isolated for 10 days from the day of his or her positive test.</p>	<p>All divisions of UKZN: for noting purposes.</p>
	<p>Repeat testing 21C Repeat testing is not required in order for a person to de-isolate.</p>	<p>All divisions of UKZN: for noting purposes.</p>
	<p>Control Measures for Public places 29. Government departments, municipalities and private entities responsible for public places must-</p> <p>(a) ensure that public hygiene measures are implemented in all public places as described in the National Public Hygiene Strategy, 2020;</p> <p>(b) ensure that public places are cleaned and disinfected;</p> <p>(c) provide for hand hygiene; and</p> <p>(d) enable the practice of physical distancing.</p>	<p>The requirements of these directives should be noted by the COVID-19 Compliance Officer and Campus Management Services in respect of areas on the UKZN campuses to which the public may have access.</p>

<u>GAZETTE NUMBER AND DATE OF ISSUE</u>	<u>SECTIONS WHICH MAY APPLICATION TO UKZN</u>	<u>AFFECTED DIVISION/SITES AT UKZN AND RECOMMENDATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
<u>AUGUST 2020</u>		
43599 07 August 2020	<p>DIRECTIONS ISSUED IN TERMS OF REGULATION 3(3) OF THE REGULATIONS MADE UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): CRITERIA TO GUIDE THE DETERMINATION OF ALERT LEVELS</p> <p>Criteria for the determination of Alert Levels</p> <p>2. (1) Alert levels determine the level of restrictions to be applied during the national state of disaster.</p> <p>(a) 'Alert Level 1' indicates a low Covid -19 spread with a high health system readiness;</p> <p>(b) 'Alert Level 2' indicates a moderate Covid -19 spread with a high health system readiness;</p> <p>(c) 'Alert Level 3' indicates a moderate Covid -19 spread with a moderate health system readiness;</p> <p>(d) 'Alert Level 4' indicates a moderate to a high Covid -19 spread with a low to moderate health system readiness;</p> <p>(e) 'Alert Level 5' indicates a high Covid -19 spread with a low health system readiness.</p> <p>(3) The Ministerial Advisory Committee must advise the Minister of Health regarding which Alert Level should be declared nationally, provincially, in a metropolitan area, or a district, when taking into account:</p> <p>(a) the epidemiological trends of Covid -19 infections;</p> <p>(b) the health system capacity in a specified area to respond to the disease burden; and</p> <p>(c) any other factor that would influence the level of infection, hospitalisation and mortality.</p>	<p>All divisions of UKZN: included for noting purposes.</p>

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	<p>(4) Epidemiological trends includes a consideration of the trends in the number of tests done, number of persons screened, number of positive cases, number of recoveries and the demographic profile of the positive cases.</p> <p>(5) Health system capacity includes a consideration of the number of facilities available to support Covid -19, bed - occupancy levels for the various levels of care, human resource capacity, equipment and related resources.</p>	
	<p>Role of the Ministerial Advisory Committee</p> <p>3. (1) The Ministerial Advisory Committee must-</p> <p>(a) conduct its work in terms of its Terms of Reference, as approved by the Minister of Health; and</p> <p>(b) establish sub -committees, led by a member of the Ministerial Advisory Committee, with the approval of the Minister, to efficiently and effectively perform its functions.</p> <p>(2) The sub -committees referred to in subparagraph (1)(b) may invite additional experts and provincial health representatives to participate in the work of the sub -committee.</p> <p>(3) The National Department of Health must act as the secretariat for the Ministerial Advisory Committee and its sub -committees.</p>	<p>All divisions of UKZN: included for noting purposes.</p>

TRANSPORT

<u>GAZETTE NUMBER AND DATE OF ISSUE</u>	<u>SECTIONS WHICH MAY APPLICATION TO UKZN</u>	<u>AFFECTED DIVISION/SITES AT UKZN AND RECOMMENDATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
<u>JULY 2020</u>		
<p>43538</p> <p>22 July 2020</p>	<p>Provision of improved access, hygiene and disinfection control at public transport facilities</p> <p>5. (1) All owners of public transport facilities must, at least twice daily, sanitize their facilities and provide adequate sanitizers or other hygiene dispensers for washing of hands and disinfection equipment for users of public transport services for the duration of the declared national state of disaster.</p> <p>(2) All owners of public transport facilities must put measures in place to adhere to the requirements of social distancing of at least 1.5 meters to curb the spread of the virus including systems to ensure physical distance of least 1.5 meters while commuters are queuing for public transport.</p> <p>(3) The gathering at public transport facilities by taxi drivers or employees working at the public transport facilities or by any other person or passenger is prohibited.</p> <p>(4) (a) All employees working at public transport facilities, including any marshal or security officer who interacts with members of the public, must wear a cloth face mask, homemade item or another appropriate item that covers the nose and mouth,</p> <p>(b) All employees working at public transport facilities, including any marshal or security officer who interacts with members of the public may in addition further wear a face shield.</p>	<p>Divisions of UKZN that provide transport services for staff and students: self-explanatory.</p>

<u>GAZETTE NUMBER AND DATE OF ISSUE</u>	<u>SECTIONS WHICH MAY APPLICATION TO UKZN</u>	<u>AFFECTED DIVISION/SITES AT UKZN AND RECOMMENDATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
	<p>(5) The owners of public transport facilities may not allow any member of the public to enter their facilities without wearing a cloth face mask, homemade item or another appropriate item that covers the nose and mouth.</p>	
	<p>Provision of improved access, hygiene and disinfection control in public transport vehicles</p> <p>6. (1) The operators of public transport vehicles must ensure that public transport vehicles are sanitized before picking up and after dropping off passengers.</p> <p>(2) The windows on both sides of all public transport vehicles must be kept 5 cm open on both sides.</p> <p>(3) (a) The operators of public transport vehicles must ensure that the door handles, window handles, arm rests and hand rails of all public transport vehicles are sanitized after every load.</p> <p>(b) The driver must ensure that the passengers are sanitised before entering a public transport vehicle and after leaving the vehicle.</p> <p>(4) The operators of public transport vehicles must ensure that all public transport vehicles are clean and tidy.</p> <p>(5) The operators of public transport vehicles must provide disinfection information materials and procedures.</p>	<p>Divisions of UKZN that provide transport services for staff and students: self-explanatory.</p> <p>Note that the drivers of vehicles mentioned in these directions must wear a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth and it is optional for a face shield to be worn. This infers that the use of only a face shield is not adequate to meet the requirements of these directions.</p>

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	<p>(6) (a) All drivers, owners or operators of public transport vehicles must wear a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth; (b) All drivers, owners or operators of public transport vehicles may in addition further wear a face shield.</p> <p>(7) Passengers in public transport vehicles are obliged to wear a cloth face mask, a homemade item or another appropriate item that covers the nose and mouth throughout the journey.</p> <p>(8) All public transport operators must put measures in place to adhere to social distancing requirements to curb the spread of the virus.</p> <p>(9) The sanitizers used to sanitize all public transport vehicles must have a minimum of 70% alcohol content.</p>	
	<p>Loading capacity of public transport vehicles</p> <p>7. (1) All long distance intra- provincial and inter -provincial travel by private vehicles and public transport services are permitted.</p> <p>(2) For purpose of long distance travel, as contemplated in regulation 60(1) of the Regulations - (a) minibus, midibus or minibus taxi -type services are permitted to carry not more than 70% of their maximum licensed passenger carrying capacity for long distance intra-provincial travel and inter -provincial travel and are subject to the following limitations:</p>	<p>Divisions of UKZN that provide transport services for staff and students: self-explanatory.</p>

<u>GAZETTE NUMBER AND DATE OF ISSUE</u>	<u>SECTIONS WHICH MAY APPLICATION TO UKZN</u>	<u>AFFECTED DIVISION/SITES AT UKZN AND RECOMMENDATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
	<p>(i) A minibus licensed to carry 10 passengers, is limited to carry a maximum of 7 passengers;</p> <p>(ii) a minibus licensed to carry 15 passengers, is limited to carry the maximum of 10 passengers; and</p> <p>(iii) a midibus licensed to carry 22 passengers, is limited to carry a maximum of 15 passengers; and</p> <p>(b) bus services are permitted to carry not more than 70% of their licensed passenger carrying capacity for long distance intraprovincial and inter -provincial travel.</p> <p>(3) For purpose of any trip not regarded as long distance travel in terms of regulation 60(1) of the Regulations -</p> <p>(a) bus, minibus, midibus, minibus taxi -type services, e-hailing services, meter taxis, shuttle services, chauffer driven vehicles and scholar transport vehicles are permitted to carry 100% of their maximum licensed passenger capacity; and</p> <p>(b) rail operations are permitted to carry not more than 70% of their licensed passenger capacity.</p>	

<u>GAZETTE NUMBER AND DATE OF ISSUE</u>	<u>SECTIONS WHICH MAY APPLICATION TO UKZN</u>	<u>AFFECTED DIVISION/SITES AT UKZN AND RECOMMENDATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
<u>JULY 2020</u>		
43539 22 July 2020	<p>6. Validity period of licences</p> <p>(1) All learner's licences, driving licence cards, temporary driving licences and professional driving permits that expire during the period that commenced from 26 March 2020 up to and including 31 August 2020 are deemed to be valid and their validity period is extended for a further grace period ending on 31 January 2021.</p> <p>(2) All motor vehicle licence discs, temporary permits and roadworthy certificates that expired during the period that commenced from 26 March 2020 up to and including 31 May 2020 are deemed to be valid and their validity period is extended for a further grace period ending on 31 August 2020.</p> <p>(3) Motor trade number licences that expired during the period that commenced from 26 March 2020 up to and including 31 May 2020 are deemed to be valid and are extended for a further grace period ending on 30 November 2020.</p>	Divisions of UKZN that provide transport services for staff and students: self-explanatory.

TELECOMMUNICATIONS

<u>GAZETTE NUMBER AND DATE OF ISSUE</u>	<u>SECTIONS WHICH MAY APPLICATION TO UKZN</u>	<u>AFFECTED DIVISION/SITES AT UKZN AND RECOMMENDATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
MAY 2020		
43164 as amended by Government Gazette 43209 8 May 2020	<p>Section 5. Interventions</p> <p>5.1 Dissemination of Information</p> <p>5.1.4. All internet sites operating within. zaDNA top level domain name must have a landing page with a visible link to www.sacoronavirus.co.za</p>	ICS and/or Corporate Relations A link to www.sacoronavirus.co.za should be made available on the landing page/homepage of the UKZN website and/or innerweb pages.
	<p>Section 8. Individual Track and trace</p> <p>8.2 The South African Post Office must make available its national address system and any applicable database to assist the relevant authorities identified to track and trace individuals that have been infected and such other persons that may have been in direct contact with such infected persons. <u>A database may be correlated with other sources from government and private sector.</u></p>	Human Resources The UKZN Human Resources Division may be contacted by the relevant portfolios within the South African government structure for assistance in this regard. As a good governance measure the Director: Legal Services and Litigation Consultant should be advised of such requests for input and/or comment. The requested information may only be released upon the authorization of the Registrar, who acts in the capacity as Deputy Information Officer.
	<p>Section 9. Support to the Education Sector</p> <p>9.1 Electronic Communications Service Licensees must provide zero-rated access to local educational content websites.</p> <p>9.2 Audio visual services especially the broadcasting services licensees must increase their educational programmes to support awareness of COVID-19.</p>	Teaching and Learning As there is no distinction made between Basic Education and Higher Education in this regard, the Teaching and Learning Division may explore the use of resources mentioned for online initiatives. Should the Teaching and Learning Division wish to explore teaching and learning initiatives with

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	9.3 The Electronic Communications Service Licensees and Electronic Communications Network Service Licensees with access to high demand spectrum must make available connectivity to 152 district virtual classroom platforms with minimum speeds of 10Mbps to support virtual teaching during the COVID-19 national disaster.	<p>electronic communication service licensees, such licensees must provide zero rated access to any websites created/set up to facilitate local educational content.</p> <p>The list of licensees may be found using the url https://www.icasa.org.za/individual-ecs-and-ecns-licences</p>

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<p>43164 as amended by 43299</p> <p>8 May 2020</p>	<p>Department of Communications and Digital Technologies</p> <p>Gazette 43299 deletes the following from Gazette 43164:</p> <p>2.4 Tracking and Tracing of Persons</p> <p>...</p> <p>8.1 Electronic Communication Network Service (ENCS) and Electronic Communication Service Licensees, internet and digital sector in general, must provide location -based services in collaboration with the relevant authorities identified to support designated departments to assist and combat the spread of COVID -19...</p>	<p>ICS to heed these deletions when developing applications in respect of COVID-19.</p> <p>Take note of the directives under gazette 43414, "Campus Readiness and Preparation Testing and contact tracing will be supported by the National Institute of Communicable Diseases (NICD), the National Department of Health (NDoH) and Provincial Health Departments." Gazette 43258 as amended by gazettes 43364 and 43476, should be noted, in particular the regulations relating to the COVID-19 database.</p>

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<u>JUNE 2020</u>		
<p>43413</p> <p>05 June 2020</p>	<p>DIRECTIONS ON ZERO -RATING OF WEBSITES FOR EDUCATION AND HEALTH ISSUED UNDER REGULATION 4(10) OF THE REGULATIONS MADE UNDER THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 of 2002)</p> <p>...</p> <p>4. Zero -rating criteria for Higher Education and Training sector</p> <p>4.1 Websites of the following institutions and colleges qualify for zero -rating subject to approval by the Department of Higher Education and Training (DHET):</p> <p>4.1 1 An institution established, deemed to have been established or declared as a public higher education institution in terms of the Higher Education Act, 1997 (Act No. 101 of 1997) or a public Technical and Vocational Education and Training (WET) institution or a Community Education and Training (CET) college referred to in the Continuing Education and Training Act, 2006 (Act No. 16 of 2006);</p> <p>...</p> <p>4.1.6 an institution which has an ac.za or edu.za domain</p> <p>...</p> <p>4.2 An application for the approval of the zero -rating of websites for the Higher Education and Training sector must be submitted to the following:</p> <ul style="list-style-type: none"> • Public universities and ac.za websites – zerorate@tenet.ac.za... 	<p>ICS: Self-explanatory.</p>

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	<p>5. Zero -rating criteria for Health sector</p> <p>5.1 The following websites qualify for zero -rating subject to approval by the National Department of Health (DoH):</p> <p>5.1.1 All COVID -19 related websites identified by the DoH; and</p> <p>5.1.2 Local websites offering free access to COVID -19 health content resources.</p> <p>5.2 Zero -rating must be provided for websites relevant to Mobile Health Applications approved by the DoH which provide information on COVID -19 or enable COVID-19 interventions.</p> <p>5.3 An application for the approval of zero -rating of websites or applications for the Health sector must be submitted to zerorate@ health. gov.za.</p>	<p>ICS: in relation the UKZN COVID-19 app.</p>
	<p>6. Further control measures for zero -rating websites</p> <p>6.1 Breakout from landing websites may be charged, particularly if and when the destination site is not covered within the criteria provided in this Direction.</p> <p>6.2 Websites with missing technical information required by network operators for zero -rating, such as SNI (Server Name Identification), will not be zero -rated. The list of these websites must be submitted to the DBE, DHET or DoH for them to gather missing technical information. Progress reporting will be based on websites with all information available.</p> <p>6.3 An electronic communications service licensee that requires login details for websites that need to be zero -rated</p>	<p>ICS: self-explanatory.</p>

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	<p>and are using login authentication, must submit a list of the websites that will be shared with relevant departments to make the necessary follow up. The site owner or administrator must provide the network operator with default login details in order to facilitate zero -rating.</p> <p>6.4 To enable electronic communications service licensees to efficiently manage this service, websites with dynamic IP addresses will not be zero -rated.</p>	

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SEPTEMBER 2020		
43707 11 September 2020	<p style="text-align: center;">AMENDMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY ("ICT") COVID-19 NATIONAL DISASTER REGULATIONS</p> <p>(14A) All Electronic Communications Service and Electronic Communications Network Service licensees must zero rate access to all educational sites upon approval by the Department of Basic Education and the Department of Higher Education and Training.</p>	ICS: Self-explanatory.

OTHER

De Beer and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2020] ZAGPPHC 184 (2 June 2020)

Summary:

This matter was heard in the Gauteng Division of the High Court of South Africa, in Pretoria. The matter brought before the court involved the validity of the declaration of the National State of Disaster by the Minister (“the Minister”) of Co-operative Governance and Traditional Affairs (COGTA) and the promulgation of regulations by the Minister pursuant to such declaration.

The court was required to assess the regulations in terms of the Constitution of the Republic of South Africa, Act 108 of 1996.

The relief that the applicants sought was to have:

- The national state of disaster declared unconstitutional, unlawful and invalid;
- The regulations promulgated by the Minister be declared unconstitutional, unlawful and invalid;
- That all gatherings be declared lawful, alternatively be allowed subject to certain conditions;
- That all businesses, services and shops be allowed to operate subject to reasonable precautionary measures of utilising masks, gloves and hand sanitisers. This was sought as an alternative and made subject to consultation with the Essential Services Committee, per section 70 of the Labour Relations Act, 66 of 1995.

It was apparent to the court that some of the relief claimed had been impacted on by the promulgation of the set of regulations relating to lockdown, level 3 (the applicants conceded to this point).

The court in this matter noted that there are several applications in different courts, relating to the regulations, however the Minister and the State Attorney could not provide the status of these other applications to the court in question, and attributed the lack of information to the numerous sets of regulations being issued by different role players in a short space of time.

Essentially the court found that a substantial number of the regulations promulgated, had not satisfied the following tests/statutory limitations:

- The requirements of sections 27(2) and (3) of the Disaster Management Act;
- The rationality test (ie. Is there a rational connection between the regulations/intervention and the purpose for which same were granted?); and
- The consideration of section 36 of the Constitution ie. the limitation of a constitutionally entrenched right.

The court however stated that not all regulations were irrational, and cited the regulations relating to education, prohibition against evictions, initiation practices, the closure of night clubs, fitness centres and the borders of South Africa, as examples of rationality (per the rationality test previously mentioned).

The court stated that it could not find evidence in the papers before it, that the Minister had considered the limitation placed by the regulations, on the Constitutional rights of people, but rather sought to achieve a goal irrespective of the cost of attaining same. The court stated that it should also be borne in mind that the enabling section of the Disaster Management Act allowed for the augmentation of existing measures and not for the replacement of same, in their entirety.

Of utmost importance, were the conclusions, relief and order of the court, which are as follows (note that the ban on tobacco and related products will be dealt with in a separate matter):

➤ **The court concluded:**

- that the declaration of the national state of disaster per section 27(1) of the Disaster Management Act in response to the COVID-19 pandemic was rational;
- the regulations promulgated in respect of Alert Levels 4 and 3 in terms of section 27(2) of the Disaster Management Act, by the Minister, were not in a substantial number of instances, connected to the objectives of slowing the rate of infection or limiting the spread thereof;
- In every instance where “means” are implemented by executive authority, to obtain a specific outcome, an exercise must be undertaken to evaluate if those “means” may encroach upon a Constitutional right and whether the encroachment is justifiable. Without such an exercise, the enforcement of such “means” even where same seeks to obtain a legitimate end, would be arbitrary and unlawful;
- The encroachment and the limitation of the lockdown regulations, on the rights guaranteed in the Bill of Rights per the Constitution are not justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated by section 36 of the Constitution and therefore, do not satisfy the rationality test;
- The Minister needs to address the deficiencies in the regulations and amend same so as not to infringe on Constitutional Rights, more than may be rationally justifiable;
- It must be borne in mind that the danger that COVID-19 presents is still present and a regulatory void in this regard may lead to unmitigated disaster and chaos. Therefore, some structure needs to remain in place while the Minister and the national executive review the regulations and their constitutional approach to same;
- The role and existence of the “National Coronavirus Command Council” did not feature in the application before the court;
- The legality of the ban of tobacco and related products, shall stand over for determination by a full court of the Gauteng Division of the High Court of South Africa, in Pretoria.

➤ **The court granted the following relief:**

- Any remedial action, amendment or review of the regulations should be undertaken by the Minister;
- Appropriate costs should follow; and
- The *amicus curiae* should bear its own costs.

➤ **The following order was granted:**

1. The regulations promulgated by the Minister of Cooperation and Traditional Affairs (this is an incorrect citation but is as per the judgment) (“the Minister”) in terms of section 27(2) of the Disaster Management Act 57 of 2002 are declared unconstitutional and invalid;
2. **The declaration of invalidity is suspended until such time as the Minister, after consultation with the relevant cabinet minister/s, review, amend and re-publish the regulations mentioned above** (save for regulations 36, 38, 39(2)(d) and (e) and 41 of the regulations promulgated in respect of Alert Level 3) with due consideration to the limitation each regulation has on the rights guaranteed in the Bill of Rights contained in the Constitution.
3. The Minister is Directed to comply with the process ordered in paragraph 2 above within 14 (Fourteen) business days from date of this order, or such longer time as this court may, on good grounds shown, allow and to report such compliance to this court.
4. **During the period of suspension, the regulations published in Government Gazette No 43364 of 28 May 2020 as Chapter 4 of the regulations designated as: "Alert Level 3", shall apply.**
5. The regulations pertaining to the prohibition on the sale of tobacco and related products is excluded from this order and is postponed sine die, pending the finalization of case no 21688/2020 in this court.
6. The Minister is ordered to pay the costs of the first and second applicants. The *amicus curiae* shall pay its own costs.

**GUIDANCE NOTE ON THE PROCESSING OF PERSONAL INFORMATION IN THE
MANAGEMENT AND CONTAINMENT OF COVID-19 PANDEMIC IN TERMS OF THE
PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA) – IMPORTANT EXTRACTS**

<https://www.justice.gov.za/inforeg/docs/InfoRegSA-GuidanceNote-PPI-Covid19-20200403.pdf>

<u>DATE OF GUIDANCE NOTE</u>	<u>EXTRACT</u>	<u>AFFECTED DIVISION AT UKZN AND EXPLANATION FROM LEGAL SERVICES: COMPLIANCE OFFICE</u>
03 April 2020	<p>3. Relevant Definitions</p> <p>3.1. <input type="text"/> means the person to whom personal information relates.</p> <p><input type="text"/> <input type="text"/> any operation or activity or any set of operations whether or not by automatic means concerning personal information, including:</p> <ul style="list-style-type: none"> 7. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use; 8. dissemination by means of transmission, distribution or making available in any form; or 9. merging, linking, as well as restriction, degradation, erasure or destruction of the information. <p>3.7. “responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information. The following are examples of responsible parties in the context of the</p>	<p>“data subjects” in the context of the Corona Virus/COVID -19 pandemic and the University, are the employees of the University of Kwazulu-Natal.</p> <p>Self-explanatory</p> <p>The “responsible party” in the context of the Corona Virus/COVID-19 pandemic is the University of Kwazulu-Natal.</p>

	<p>management of COVID-19 and include but not limited to, the NCC, National Department of Health, Provincial Department, Local Government, National Institute of Communicable Disease (NICD), National Health Laboratories Services (NHLS), Independent laboratories, Mobile Network Operators, Voluntary Organizations.</p>	
	<p>4.3. Consent, justification and objection 4.3.1. It is not necessary for a responsible party to obtain consent from a data subject to process his or her personal information in the context of COVID -19, when: 4.3.1.1. processing complies with the obligation imposed by law on the responsible party; 4.3.1.2. processing protects a legitimate interest of the data subject; 4.3.1.3. processing is necessary for the proper performance of a public law duty by a public body; or 4.3.1.4. processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.</p>	<p>The Registrar’s Division and Human Resources Human Resources houses the personal information of all employees and the Registrar, as Deputy Information Officer, must approve the release of all personal information from the University environment. The University does not have to obtain the consent of employees when processing information pertaining to the Corona Virus/COVID-19, as long as one or more of the conditions of 4.3. are met.</p>
	<p>4.4. Collection for a specific purpose Responsible parties must collect personal information of a data subject for a specific purpose, which in this context is to detect, contain and prevent the spread of COVID-19.</p>	<p>The Registrar’s Division and Human Resources In the context of the Corona Virus/COVID-19, the University may only collect the personal information of employees, without their consent to detect, contain and prevent the spread of the virus.</p>
	<p>4.6. Further processing to be compatible with purpose of collection A responsible party may further process personal information of a data subject notwithstanding the fact that such processing is not compatible with the original purpose for which it was collected if it is necessary to prevent a serious and imminent threat to public safety or public health, the life or health of a data subject or another individual. This exception</p>	<p>The Registrar’s Division and The Research Division The personal information of employees relating to the Corona Virus/COVID-19, in the possession of the University of Kwazulu-</p>

	<p>also applies if the information is used for historical, statistical or research purposes and the responsible party ensures that the further processing is carried out solely for that purpose and will not be published in an identifiable form.</p>	<p>Natal, may be used to further efforts to prevent threats to public health and safety or to the life or health of data subjects, even if the initial purpose of collecting the information was not for the afore-mentioned purpose.</p> <p>This exception also applies to the use of the personal information of employees relating to the Corona Virus/COVID-19, in the possession of the University of Kwazulu-Natal, for historical, statistical or research purposes. In this instance, the information must be de-identified.</p>
	<p>4.9. Security measures on integrity and confidentiality of personal information</p> <p>4.9.1. In order to secure the integrity and confidentiality of personal information collected in relation to COVID-19, a responsible party must take appropriate, reasonable technical and organisational measures to prevent the loss or damage to or unauthorised access of personal information.</p> <p>...</p> <p>4.9.5. A responsible party must report any unauthorised access of personal information of a data subject to the Regulator and the data subjects within reasonable time.</p>	<p>The Registrar's Division, The Research Division, Human Resources</p> <p>The University of Kwazulu-Natal must ensure that steps are taken to ensure that personal information pertaining to the Corona Virus/COVID-19 is kept in a safe and secure manner, with access only being granted to those who have the authorization to view same.</p> <p>Should any unauthorised access occur, the Information Regulator and the data subjects must be informed of the unauthorized access.</p>
	<p>6. EMPLOYMENT</p> <p>6.1. Can the employer request specific information on the health status of an employee in the context of COVID-19?</p>	<p>Human Resources</p> <p>The University of Kwazulu-Natal is obliged to comply with Occupation Health and Safety</p>

	<p>Yes, the employer is obliged to maintain a safe and hazardous free working environment in terms of the Occupation Health and Safety Act 85 of 1993 read together with the Employment Equity Act 55 of 1998 if an employee's health status may endanger other employees. The disclosed information should not be used to unfairly discriminate against such an employee.</p>	<p>Act 85 of 1993 read together with the Employment Equity Act 55 of 1998 and therefore may request employees to provide personal information pertaining to their status in relation to the Corona Virus/COVID-19.</p>
	<p>6.2. Can the employer force an employee to undergo testing for the COVID-19 virus? Yes, the employer can force an employee to undergo testing in order to maintain a safe working environment.</p>	<p>Human Resources Self-explanatory</p>
	<p>7. CONSENT 7.1. Can a data subject refuse to give consent to be tested for COVID-19? No, the Regulations require any data subject to undergo mandatory testing in order to manage the spread of COVID-19.</p>	<p>Human Resources Self-explanatory</p>
	<p>8. GENERAL 8.1. Does a person who has tested positive for COVID-19 have a duty to disclose his or her status? Yes, a person who has tested positive has a duty to disclose his or status to enable the Government to take appropriate measures to combat the spread of COVID-19.</p>	<p>Human Resources This guidance note makes it clear that it is not only the Government that has a vested interest in the Corona Virus/COVID-19 status of data subjects, but also the employers of data subjects. Data subjects employed at the University of Kwazulu-Natal are therefore obliged to provide the University with personal information pertaining to their status in relation to the Corona Virus/COVID-19.</p>