

KNOW YOUR RIGHTS

WORKERS IN NON-ESSENTIAL SERVICES

WHAT ARE YOUR RIGHTS DURING THE LOCKDOWN PERIOD?

YOU CANNOT BE DISMISSED FOR NOT GOING TO WORK

It is unlawful for you to go to work during the lockdown and because of this, you cannot be forced to go to work or dismissed for failing to do your job during this period.

LEAVE DURING THE LOCKDOWN

Employers are discouraged from insisting that their employees take annual or unpaid leave for the lockdown period. Employers should instead apply for assistance from the government during this period.

However, if your employer does insist that you take annual or unpaid leave, it must do so according to your employment contract and the correct legislation.

"NO-WORK-NO-PAY" DURING THE LOCKDOWN

Employers are encouraged to continue to pay their workforce and to apply for assistance from one of the government programmes listed below to help them to do so.

However, if you are not an essential services worker and or you are not working from home, your employer can refuse to pay you. If they do this, your employer will need to make sure that they are obeying your employment contract and the correct legislation.

ARE YOUR RIGHTS BEING VIOLATED?

If your rights are being violated during the lockdown you can get access to **free legal assistance** from one of South Africa's public interest legal organisations.

**CALL THE HOTLINE ON
+27 66 076 8845**

LAWYERS FOR
HUMAN RIGHTS

You or your employer may be eligible to receive assistance from the government.

THERE ARE SIX GOVERNMENT PROGRAMMES YOU OR YOUR EMPLOYER MAY BE ABLE TO APPLY TO:

TEMPORARY EMPLOYER-EMPLOYEE RELIEF SCHEME (TERS)

If your employer has been forced to close your workplace for up to three months (or less) and cannot afford to pay you during the lockdown, they should apply to the TERS through the Department of Employment and Labour for assistance in paying your salary.

REDUCED WORK TIME BENEFIT

If your employer's TERS application is unsuccessful, your workplace is closed during the lockdown and you are not being paid, you can claim for assistance under the Reduced Work Time Benefit from the Unemployment Insurance Fund (UIF).

ILLNESS BENEFIT

If you are a member of the Unemployment Insurance Fund (UIF) and you have been placed in quarantine or self-isolation for a period of up to 14 days, you can claim compensation from the fund for these days. You can claim this benefit even if you are an essential services worker.

COMPENSATION FUND

If you get the COVID-19 virus at your workplace, and your diagnosis is confirmed, you have the right to be paid through the compensation fund.

DEBT RELIEF FUND FOR SMALL, MEDIUM AND MICRO-SIZED ENTERPRISES (SMME)

If you work for or own an SMME, and you are unable to service your business loan during the COVID-19 lockdown, you can apply for debt relief. And if you work for or own an SMME that is 100% South African owned, you can apply for assistance from the Business Growth or Resilience Facility.

TAX INCENTIVES

If you are a worker in the private sector and you earn below R6500 per month, you can claim a tax subsidy of up to R500 per month for the next 4 months.

**LAWYERS FOR
HUMAN RIGHTS**