



SACCAWU

**SOUTH AFRICAN COMMERCIAL CATERING
AND ALLIED WORKERS UNION**

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23 April 2020

The Honourable Office of the Presidency
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CC: Ministries of:
*Health,
Employment & Labour,
Trade & Industries,
Police and
Defense & Military Veterans*

Dear Honourable Presidency,

Re: **SACCAWU CONCERNS ON LACK OF CLARITY AND CONFUSION
OCCASIONED BY THE LOCKDOWN RULES AND CONSEQUENT
IMPLICATIONS ON WORKERS**

The Union's National COVID-19 Coordinating Committee, processed assessments and monitoring of the results of our endeavours, to fully comply with the COVID-19 Rules and Regulations, as well as the continued adverse exposure of our members to risk; in the current circumstances. In the articulation of provisions of the declaration by the State relating to the economic sectors we organise (Retail, Hospitality and Tourism), we observe that operations in such sectors, according to the National Disaster Act, are now included for the first time in history, as part of Essential Services. In the detailed action plan we deliberated upon, we observed grave deficiencies that, in our view, are life and death areas of the Lockdown rules and regulations, and thus view the following as decisive and/or empirical evidence which requires urgent joint (Union and Government) deliberations:

1. Unfortunate Death of a worker as a result of COVID-19

We received a report today (the first of its kind) of confirmed unfortunate death of a worker employed by Shoprite Checkers in Table-view in Cape Town. In our discussions we observed disturbing gaps/fissures in the pronounced COVID-19 Rules and Regulations, and the general provisions of the National Disaster Act.



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2. Transport and related logistics:

Provision of safe and reliable has never been elaborated in a detailed manner that would ensure uncompromised compliance from service providers, particularly in relation to sanitisation, social distancing and permitted passenger ratios. We hold a view, rightly or wrongly, that the very travelling with public transport system, which is the only mode of transport economically accessible to our members to get to work with, as potentially one of the primary source of the amplification of the Coronavirus spread. Apart from this, the work arrangement and transport operational times are sometimes not in sync, thus leaving workers exposed to a number of negative elements.

3. Testing, Screening and Infection management:

There seems to be no provisions or dedicated programmes that compels or force employers to ensure that workers form part of those said to be on the frontline and put their lives on the line of danger to save the nation. These workers, who are expected to be at work during the National Lockdown, are supposed to be guaranteed access to both testing and screening, and in the event that they are found to be positive or infected, they be taken care of medically in an environment equipped with all necessities that are compliant with COVID-19 treatment and care facilities, coupled with medication and quality meals that will help their immune system to mitigate power over the infection.

4. Family/Colleagues Testing and Screening:

We are now concerned that despite these reported cases, there is no obligation either from the employer or the State to ensure safety and well-being of those who are living or working closely with employees who might have tested positive for COVID-19 pandemic. In an instance where a worker tested positive, companies have simply paid no attention to the implications of same on family members and work colleagues, notwithstanding that going to work could have been the very cause of workers contracting the virus in the first place.

5. Commitment of employers and the State:

Despite bold public statements by some if not most of these employers, some of which were, coupled with huge sums of financial commitments that were somewhat spectacularly announced through media; as means intended to, as and when the need arise, be unleashed to mitigate any possible infections arising from COVID-19. Contrary to such commitments, we are now told by our members employed by these employers that mere time off taken to visit the health facility results in the said company effecting a cruel/ferocious principle of no-work-no-pay; even in cases where poor workers test positive of COVID19. That coupled with outright refusal to acknowledge liability of required quality medical care and associated bills that are as result of such exposure to COVID-19 pandemic.

SACCAWU holds a view and believes that, the aforementioned public commitments, financial or otherwise were supposed to prioritize the principle of saving lives, instead of maximization of profits at the expense of workers' lives. This conduct is in violation of the very basic tenets of human value as enshrined in the UN Universal Declaration of Human Rights, which describes ethical principles that are based on shared human values. It reaffirms the commitment of the psychology



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community to help build a better world where peace, freedom, responsibility, justice, humanity, and morality prevail above all including the love of money.

Employers have now seen gold and are even forcing workers to take leave, some without pay, during the lifespan of the pandemic, thus making workers a sacrificial lamb in response to the challenges brought about by the COVID-19 pandemic; if not apportioning blame of them, be it wittingly or otherwise, for the insurgence and scourge of this pandemic on them.

We take a dim view on the somewhat deafening silence from the offices of Presidency, as well as the Ministries of Employment & Labour, Trade & Industry and Health who, in our view, have been vocal in evolution of regulations governing the COVID-19 in these affected economic sectors we are organized in. Continued silence in respect of the rising acts of human and workers' rights violations is rather unfortunate and unwarranted, for we know the values that our striving Democratic State seeks to embrace and implant to the nation in the moments like crisis of this magnitude brought about by the COVID-19 pandemic.

6. Prohibition of Movement of Union's Officials and Leadership

We are informed that the State intends to impose even stricter Lockdown rules in respect of movements of people going forward, and since there is no specific declaration regarding trade unions Officials and Leadership, the situation for worse can only get worst. The obvious challenge with that is the fact that in the current circumstances leaders and officials who are supposed to be assisting workers in prevailing disputes and violation of their rights at the point of production, by employers taking advantage of the COVID-19 imposed circumstances, will continue to be hamstrung by the silence of the rules and regulations, thus leaving workers more vulnerable than what the case might be under normal circumstances.

It is in view of the above that the Union believes that if our members in Retail and Hospitality-Tourism Economic Sectors must be at work because they are forming part of Essential Services, then therefore, Officials and Leadership of the Union must be viewed and declared as either essential service or support to the essential service providers thus allowed to render the service to such members in the context of industrial relations regulation, which we believe have not been suspended. We thus specifically request the Presidency to pronounce trade unions as being essential services and/or support to essential services as not doing so simply affords employers a blank cheque to run amok and undermine the fundamental rights of workers, as already are doing so impunity including the cheek for some to demand essential service certificate from the union before attending and/or even acknowledging complaints raised by the union on behalf its members subjected to very callous management inhumane actions.

It also creates an impression of Unions rendered temporarily derecognized in law thus their status being questioned as has already been done by Clicks who arrogantly demanded of the SACCAWU to submit the certificate declaring it essential.



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As a consequence of the above illustrated frustration, confusion and/or uncertainties; we propose an audience with the Presidency and related Ministries at your earliest convenience and availability but rather urgent.

Yours faithfully,



Bones Skulu
General Secretary

Cc: NOBs, HODs, OCCBU & Regions
COSATU NOBs, UNI Africa & IUF Africa



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