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Recommended Standard Operating Procedure for Agribusinesses in light of the COVID 19 shutdown

Introduction

Dear Agbiz member. As you are aware, the President has announced a 21-day national lockdown starting from Midnight on Thursday the 26th of March 2020. The Regulations outlining the restrictions will be applicable on the movement of people and goods during this time has been published on the 25th of March 2020 and can be accessed [here](#). The Minister has indicated that the food supply system must remain functional and that the agricultural value chain is an essential sector that must remain uncompromised. Communication is paramount in these challenging times and as agribusinesses must be empowered with correct and up to date information. These Standard Operating Procedures have hence been developed so that agribusinesses have certainty as to the correct procedures, protocols and measures that must be followed to remain in operation.

Disclaimer

This document was compiled based on the best information available at the time of drafting. This includes multilateral discussions between the industry and Government, best practice directives issued by the World Health Organisation and Department of Health as well as the prescripts of the law and the best available legal interpretation thereof. We have done our utmost to ensure the accuracy of the information conveyed in this notice, however we caution that this document is merely a guideline developed to assist the dissemination of critical information to businesses. This document does not have any legal standing in its own right, but is merely a summary of the legal situation. The situation remains fluid and the nature of the challenge may necessitate changes or updates at very short notice so please be on the lookout for further communication from Agbiz.

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1. Restrictions that have been imposed

On the 25th of March, a notice under the Disaster Management Act was published amending and adding to the restrictions that were put in place on the 18th of March. This gives effect to the 'lockdown' announced by the President. The [revised restrictions](#) that enter into operation at 24:00 on the 26th of March 2020 include the following:

- All "gatherings" will be prohibited irrespective of the number of people – the 100-person limit therefore falls away. The only exception is made for funerals but this will be limited to 50 people;
- Every person is confined to his or her place of residence, unless strictly for the following purposes:
 - Performing an essential service (detailed in the next section);
 - Obtaining essential goods or services;
 - Collecting a social grant;
 - Seeking emergency, life-saving or chronic medical attention;
- All business entities must cease operations save for businesses or entities involved in the manufacturing, supply, or provision of an essential good or service;
- Retail stores may only sell essential goods and subject to strict hygiene controls and measures designed to keep persons 1 meter apart;
- The movement between provinces, metropolitan or district boundaries are prohibited save where necessary to perform an essential service.
- All borders are closed save for the transportation of fuel and essential goods;
- All forms of public transport are prohibited save the use of bus, taxi, e-hailing services or private vehicles to render essential services, obtaining essential goods, seeking medical attention or attending a funeral, subject
 - To the requirement that no more than 50% of the vehicle's capacity may be utilised and directions in terms of hygiene are adhered to.

2. List of "Essential Services" and "Essential Goods"

Regulation 11B (1) (b) requires all businesses to cease operations save for **"any business or entity involved in the manufacturing, supply, or provision of an essential good or service"**. All essential services already designated as such under the Labour Relations Act continue to be regarded as such with the addition of the goods and services specified in Annexure B to the regulations. The following are highlighted as it may relate to companies involved in the agro-food value chain:

a. Essential Goods

"Food

(i) Any food product, including non-alcoholic beverages;

(ii) Animal food; and

(iii) Chemicals, packaging and ancillary products used in the production of any food product.

Cleaning and Hygiene Products

(i) Toilet paper, sanitary pads, sanitary tampons, condoms;

Hand sanitiser, disinfectants, soap, alcohol for industrial use, household cleaning products, and personal protective equipment; and

(iii) Chemicals, packaging and ancillary products used in the production of any of the above.

Medical...

Fuel, including coal and gas;

Basic goods, including airtime and electricity."

b. Essential services

Only those deemed directly relevant to the agro-food system is listed. The full list is contained in annexure B to the regulations.

Description	Possible interpretation
Disaster Management, Fire Prevention, Fire Fighting and Emergency services;	Fire prevention could include Fire Protection Associations

Financial services necessary to maintain the functioning of the banking and payments environment, including the JSE and similar exchanges, as well as insurance services	Self-explanatory
Production and sale of goods listed in category A, above	This should cover those secondary industries involved in the production of essential food items
Grocery stores, including spaza shops	Self-explanatory
Electricity, water, gas and fuel production, supply and maintenance	Fuel supply could include fuel retailers and wholesalers
Critical jobs for essential government services as determined by Head of National or Provincial Departments in accordance with the guidance by the DPSA, including Social Grant Payments;	Critical government services such as the inspection of consignments and the issue of import/export permits required for agricultural trade can be included provided that they are determined by the Minister
Wildlife management, anti-poaching, animal care and veterinary services	This could be applicable to the wildlife ranching industry
Production and sale of any chemicals, hygiene products, pharmaceuticals for the medical or retail sector	It is unclear whether this applies to agro-chemicals, although they should be covered as chemicals required for food production are essential goods

	and the production of essential goods is an essential service
Private security services	Self-explanatory
Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment	Self-explanatory
Transport services for persons rendering essential services and goods, and transportation of patients	Self-explanatory
Transport and logistics in respect of essential goods set out in A above to neighbouring countries	Self-explanatory

3. Procedural requirements for exemptions

In line with the discussions taking place between industry and government prior to the promulgation of these Regulations. Companies (via the CEO or delegate) are required to self-regulate and determine which of its business operations fall within the listed goods or services as per Regulation 11B (2). This duty is placed on the head of an institution which is defined for private entities as the CEO or equivalent and this function may be delegated by the CEO if required by the complexity of the business operation. The head of public entities is the accounting officer. **We encourage agribusinesses to be self-critical in this regard so as not to place employees in unnecessary risk.**

In addition to self-determining whether an entity is an essential service or good provider, the head must also strictly determine which employees are essential for performing that service. **Staff that have been identified by the CEO or delegate must be designated in writing on a form that**

corresponds with the template provided for in the regulations. Agbiz has compiled a template for agribusinesses that is attached to this document.

4. Best practice hygiene and sanitation measures to be applied by agribusinesses where still operational

All employers in South Africa have a duty to maintain a working environment that is not harmful to the health and wellbeing of employees under s24 of the Constitution and this is given practical expression through the requirement to do a risk assessment under the Occupational Health and Safety Act. Those agribusinesses that are self-evaluated as essential service providers have an added responsibility to take all possible measures to protect the health and safety of their employees during this time. There are a number of best practice recommendations available that we wish to share with members:

a. Any person performing an essential service may be screened

Regulation 11B (5) allows an enforcement officer to screen any person performing an essential service for the COVID 19 virus as well as anyone travelling to obtain essential goods or seeking medical attention.

b. Hygiene Practice for Agricultural and Food Processing Operations During Covid 19

The Department of Agriculture, Land Reform and Rural Development has advised that the existing best practice codes for hygiene be implemented with additional measures to combat COVID 19, examples of which are included in the following sections. These existing codes include the [DAFF codes for Hygiene Practices for Fresh Fruits and Vegetables](#) as well as the [4th edition of the WHO and FAO's food hygiene guidelines](#). Members will be informed immediately is a dedicated hygiene practice guideline is released for agriculture and food processing in light of COVID 19.

c. Transportation of employees

Some agribusinesses performing essential services may need to transport their employees to and from the workplace. Regulation 11C (3) specifically places an obligation on employers to make the necessary transport arrangements for employees rendering essential services provided that no vehicle may exceed 50% of its licenced capacity.

It is furthermore required that any directions related to hygiene is adhered to as may be determined by the Department of Health.

In other words, employees may make use of transport if they are designated to perform essential services but it is not business as usual:

- All employees and drivers should be in possession of the documentation designating them to perform an essential service;
- You cannot carry more than 50% of the vehicles' licenced capacity at any time; and
- Employees should be required to follow hygiene procedures such as hand sanitizers and/or washing hands before entering a vehicle.

In the discussions held with the Minister, agribusinesses were encouraged to make use of labour who can be accommodated on site or isolated from other communities as far as possible. This is not a legal requirement and should not be interpreted as an absolute requirement but rather encouraged wherever possible.

d. World Health Organisation guidelines for workplace readiness

The World Health Organisation has recommended a number of steps be taken to ready essential workplaces. These are briefly summarised below:

- Check the temperature of all employees before they enter the workplace:
 - Employees with an elevated (37.7 - 39.4°C) or high (above 39.4°C) temperature should be asked to go home and self-quarantine for 14 days;
 - Employees who administer the temperature tests should wear gloves, use a new disposable lens filter in the case of ear thermometers or a forehead thermometer;
- Ensure that the workplace is set-up to allow for social distancing between employees (2 meters apart);
- All surfaces and objects need to be disinfected regularly;
- Put sanitizing hand rub dispensers in prominent places around the workplace. Make sure these dispensers are regularly refilled;
- Display posters promoting hand-washing;

- Ensure that face masks¹ and / or paper tissues are available at your workplaces, for those who develop a runny nose or cough at work, along with closed bins for hygienically disposing of them;
- Encourage all meetings to take place telephonically or via video link.

The full document can be accessed [here](#).

e. Prevention is better than reaction

The preventative measures outlined above may be costly but the costs of containment or a shutdown during a suspected infection will almost certainly outweigh these costs. Finally, the health and wellbeing of all staff is paramount and we urge agribusinesses to do everything possible to safeguard agriculture's most valuable asset, its people.

5. Prescribed procedure in the event of workplace contamination or contact

a. Notification

In the event that an employee is suspected of being infected with the Corona virus or comes into contact with someone suspected or confirmed to be infected by the corona virus, the agribusiness must immediately contact the **24-hour hotline: 0800 029 999**. It is advised that the person be isolated immediately and the business should not attempt to transport any affected employee to seek medical attention but rather adhere strictly to the instructions given via the hotline.

b. Instructions of the enforcement officer

Once notification has been given, the instructions of an enforcement officer must be followed. In terms of the [Regulations](#) published under the Disaster Management Act,¹ no person who is suspected of being in contact may refuse:

- a medical examination;
- admission to a health establishment;
- Quarantine or isolation;

¹ Government Notice 318 of 2020 published in Government Gazette 43107 on the 18th of March 2020.

If a person does not comply with these instructions, they may be placed in quarantine for 48 hours whilst a warrant is obtained from a magistrate that will force the person to comply with the prescribed procedures.

c. Workplace-specific response recommendations for agribusiness based on best practice

Although not specifically prescribed, there are a number of steps that have been recommended by other agribusinesses that can be considered as best practice. These include the following:

- Where contact is made with a person who is suspected of being infected, the entire business unit that was exposed should be quarantined immediately;
- All employees should be quarantined and the instructions of an enforcement officer should be followed after reporting the incident;
- The physical location should be thoroughly sterilised;
- When work is to continue, a new team or staff complement should be brought in until such time as all employees who were potentially exposed can be tested and verified.

d. Compensation for occupationally-acquired novel Corona Virus Disease (COVID 19) under COIDA

The Compensation Commissioner published a [notice](#)² on Monday setting out the procedures that must be followed to claim compensation from the Compensation Fund, prescribed template as well as the benefits payable. The Department of Labour has set up a desk with a dedicated email address to receive compensation claims of this nature.

6. Enforcement

According to the Regulations published under the Disaster Management Act, the contravention of the restrictions imposed during the lockdown will constitute a criminal offence. The SAPS is therefore authorised to enforce the restrictions and may arrest a person and charge them under the Disaster Management Act in the event that they refused to comply. It is also worth taking note that an enforcement officer may subject any person performing an essential service or travelling to obtain essential goods or services to an examination to determine whether they are carrying the virus and order such person to be quarantined for 48 hours pending results.

² Government Notice 193 of 2020 published in Government Gazette 43126 on the 23rd of March 2020.

Roadblocks are expected to be set up across the country and hence employees working in essential services should carry the prescribed identification document signed by the entity/company referred to above at all times and should be ready to produce same whenever questioned or confronted by members of SAPS, the SANDF or private security.

7. Monitoring the stability of agricultural supply chains

It is critically important that we can rapidly identify blockages and breakdowns in any of the multitude of supply chains in our agro-food system, and then respond with speed and appropriate measures to remedy any dysfunctionality, also with the food distribution networks to the vulnerable, which has been identified as one of the major risk areas. To this end BFAP has assisted greatly in developing a web-based monitoring and reporting mechanism as we have committed to provide both Minister Didiza and Minister Patel with reports every 48 hours on the food security situation and efficiency of supply chains. Approximately 100 leaders (many CEO's from Agbiz members) will form part of this reporting system. Please do cooperate! We hope to test run on Thursday and become operational by Friday. You can already go onto the BFAP website and access the [COVID-19 Food system Impact portal](#).

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