

IOPSA AND PIRB FORMAL STATEMENT RE: COVID-19 NATIONAL LOCKDOWN 2020 – 26/03/2020 ESSENTIAL SERVICES

To whom it may concern,

With an unprecedented challenge approaching for all South Africans and our plumbing industry, we as plumbers find ourselves at the fore front in terms of protecting the Nation.

On Monday 23 March 2020, President Cyril Ramaphosa took the unprecedented step – in democratic South Africa – in announcing a nationwide lockdown to contain the spread of the novel coronavirus (Covid-19).

The national lockdown marks a major event in South African history. It is hoped that the measures suggested by President Cyril Ramaphosa will limit the spread of COVID-19 in South Africa in order to "flatten the curve" of Covid-19 infections

GAZETTED REGULATIONS TO DEAL WITH THE SPREAD

NOTE: WE ARE FULLY AWARE OF THE AMOUNT OF FALSE AND MISCOMMUNICATION OUT THERE. IOPSA AND PIRB STANCE IS CLEAR IN THAT WE WILL NOT COMMUNICATE OTHER THAN WHAT IS VERIFIED FROM A CREDITABLE SOURCE. THE FOLLOWING REGULATIONS AS OUTLINE BELOW ARE VALIDATED AND IOPSA AND PIRB'S STANCE IS INLINE WITH THESE REGULATIONS IN RESPECT TO ESSENTIAL SERVICES. AT ANY POINT IN TIME THE MINISTER MAY CHANGE THESE REGULATIONS AND IF SO, IT WILL THEN BECOME THE OFFICIAL STANCE OF IOPSA AND PIRB, WHICH WE WILL THEN COMMUNICATE ACCORDINGLY.

The Minister for Cooperative Governance and Traditional Affairs (CoGTA) has, in terms of section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002), and after consulting the responsible Cabinet members, made the and gazetted regulations to deal with the spread of Regulations in the Schedule.

The Gazette Regulations to deal with the COVID-19 Spread:

https://www.gov.za/sites/default/files/gcis_document/202003/4314825-3cogta.pdf

The Disaster Management Act, 2002 (Act No. 57 of 2002):

https://www.gov.za/sites/default/files/gcis_document/201409/a57-020.pdf

Despite their necessity, these gazette regulations and measures will undoubtedly place pressure on each and every business, but it is imperative that we stand and work together in order to "flatten the curve" of Covid-19 infections.

The following are the pertinent extra's from the Gazette Regulations related to essential services. Please refer to the full gazette regulations above for the details

DEFINITION:

'essential services' means the services as defined in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and designated in terms of section 71(8) of the Labour Relations Act, 1995 (and which designation remains valid as at the date of publication of this regulation), and as listed in paragraph B of Annexure B, as may be amended from time to time;

'head of an institution' means the accounting officer of a public institution and the chief executive officer or the equivalent of a chief executive officer of a private institution;

'institution' means any public or private institution that is engaged in the supply or distribution of an essential good or service;

RESTRICTION OF MOVEMENT OF PERSON AND GOODS:

11B. (1)(a) For the period of lockdown-

- (i) every person is confined to his or her place of residence, unless strictly for the purpose of performing an essential service, obtaining an essential good or service, collecting a social grant, or seeking emergency, life-saving, or chronic medical attention;

(b) All businesses and other entities shall cease operations during the lockdown, save for any business or entity involved in the manufacturing, supply, or provision of an essential good or service.

(c) Retail shops and shopping malls must be closed, except where essential goods are sold and on condition that the person in control of the said store must put in place controls to ensure that customers keep a distance of at least one square meter from each other, and that all directions in respect of hygienic conditions and the exposure of persons to COVID-19 are adhered to.

(c) Retail stores selling essential goods is prohibited from selling any other goods.

(2) The head of an institution must determine essential services to be performed by his or her institution, and must determine the essential staff who will perform those services: Provided that the head of an institution may delegate this function, as may be required in line with the complexity and size of the business operation.

(3) Persons performing essential services as determined in subregulation (2), must be duly designated in writing by the head of an institution, on a form that corresponds substantially with Form 1 in Annexure C.

(4) All places or premises provided for in Annexure D must be closed to the public except to those persons rendering security and maintenance services at those places or premises.

(5) All persons performing essential services, obtaining essential goods or seeking medical attention, may be subjected to screening for COVID-19 by an enforcement officer.

PROHIBITION OF PUBLIC TRANSPORT

11C. (1) All commuter transport services including passenger rail services, bus services, taxi services, e-hailing services, maritime and air passenger transport is prohibited, except bus services, taxi services, e-hailing services and private motor vehicles for purposes of rendering essential services, obtaining essential goods, seeking medical attention, funeral services and to receive payment of grants: Provided that such vehicle carries no more than 50% of the licensed capacity and all directions in respect of hygienic conditions and the limitation of exposure of persons to COVID-19, are adhered to.

(2) Where a person rendering essential services is unable to travel to and from his or her place of employment, the employer must make the necessary transport arrangements: Provided that no more than 50% of the licensed capacity of the vehicle or vessel is exceeded and all directions in respect of hygienic conditions and the limitation of exposure to persons with COVID-19, are adhered to.

LOSS OR DAMAGE

11E. No person is entitled to compensation for any loss or damage arising out of any *bona fide* action or omission by an enforcement officer under these regulations.

OFFENCE AND PENALTIES

11G. For purposes of this Chapter any person who contravenes regulation 11B(1) and (4), shall be 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."

**ANNEXURE B: CATEGORISATION OF ESSENTIAL GOODS AND SERVICES DURING LOCKDOWN
REGULATION 11A**

B. SERVICES

Categories of essential services shall be confined to the following services:

6. Electricity, water, gas and fuel production, supply and maintenance;
15. Cleaning, sanitation, sewerage, waste and refuse removal services;
24. Production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment;
25. Transport services for persons rendering essential services and goods, and transportation of patients;

ANNEXURE C FORM 1 PERMIT TO PERFORM ESSENTIAL SERVICES REGULATION 11B(3)

In line with Annexure C, find a PERMIT TO PERFORM ESSENTIAL SERVICES document that you may edit and place on your PLUMBING business letter head.

[\(DOWNLOAD HERE\)](#) or

https://www.iopsa.org/resources/Documents/TEMPLATE%20_%20PERMIT%20TO%20PERFORM%20ESSENTIAL%20SERVICE_IOPSA_PIRB%2026_03_2020.docx

Take note of the following:

- The Permit should clearly appear on your business letter head;
- The head of the Institute as define in the gazette regulations must sign the document;
- The person to whom the permit is issued must at all times carry a form of identification to be presented with the permit. If NO identification is presented the person to whom the permit is issued will have to return to his or her place of residence.

There is a challenge of possible individuals using the excuse of being an essential service provider to break the lock down provisions. Professional plumbers have a moral and ethical responsibility to act in good faith at all times and to strictly adhere to the rules and regulations of the lockdown Having a word on your vehicle such as “Plumber” does not proclaim you to be a plumber and neither does it proclaim you to be an essential service provider. Not only is this only totally irresponsible but prohibited by law in terms of this amended regulation. We do however wish to stress that in no way is PIRB or IOPSA advocating that a person not registered with PIRB or not having a membership with IOPSA are prohibited from “proclaiming” that they are Plumbers. This decision still lays with the “Institution” and the “Head of the Institution”. However, having registrations with PIRB and or membership with IOPSA allows us to give you the additional support and 3rd party validation, in the event that verification is require that you are a valid essential service provider.

At the time of writing this communication we were receiving strong verified communications that Essential Services are required to apply to the Companies and Intellectual Property Commission (CIPC) Bizportal website at www.bizportal.gov.za and obtain a certificate from the Commission. It is noted that this is and has not been included as part of the regulations as defined above. While not regulated at the time writing we would strongly encourage you to proactively apply to the Commission however in the interim you apply the regulations as defined above.

Support Services to Plumbing Essential Service Providers

IOPSA and PIRB are fully aware the for plumbers to carry out the required essential service they need to obtain the relevant material and provisions needed to perform these essential services. The regulations are clear that the “Production, manufacturing, SUPPLY, logistic, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment” from part of the categories of essential services. However, like the plumbers above this decision still lays with the “Institution” and the “Head of the Institution” to make this call and the necessary arrangements. However, merchants and suppliers that have a clear and defined relations with PIRB and or membership with IOPSA will allow us to give them the additional support and 3rd party validation, in the event that verification is require that you are a valid essential service provider. In the interim IOPSA and PIRB have engaged with most plumbing suppliers, several of them will be available for emergencies, however we urge you to make contact with your local suppliers to establish what, if any, services they will provide and the procedure they have in place with respect to dealing with the “social” contact aspect as outlined in the regulations above.

Both IOPSA and PIRB Offices will be closed, however all staff have been set up to work remotely, so it is business as usual. Confirmation of PIRB registered plumbers and IOPSA membership, if required can verified by:

IOPSA: Visit www.iopsa.org

PIRB: Contacting the PIRB office - 0861 747 275 or visiting www.pirb.co.za.

We urge you all to join PIRB’s and IOPSA’s social media pages for regular updates and information. Additional information can be found here on IOPSA website:

<https://www.iopsa.org/COVID-19-Updates>

“With great power comes Great responsibility”. As Professional Plumbers, we must continue playing our part in protecting the health and safety of our nation, but it imperative that in this time of our country’s need we must all work together in a responsible and proactive manner.

Be Plumber Proud!

From the Desk of

Brendan Reynolds
Executive Director of IOPSA

Lea Smith
Chairman of the PIRB