



**COVID -19  
DENTIST  
EMPLOYERS  
SURVIVAL GUIDE**

**APRIL 2020**



**SADA**

The South African Dental  
Association **(SADA)** NPC





# SHUTDOWN!

## What about practitioners? Options below

The Department of Small Business development announced a number of interventions for small businesses including a Debt Relief Financing Scheme and Growth Resilience Facility. Applications have been overwhelming with 81 000 SMMEs applying thus far and growing.

### SMME Debt Relief Finance Scheme

#### Assistance provided

Debt relief finance scheme for business that are negatively affected, directly or indirectly due to the Coronavirus pandemic for a period of 6 months Employee, rates and taxes working capital.

#### What

Provide loan to assist at prime less 5%.  
If loan abuse – pay back at prime + 10%

#### Criteria

**The business must have been registered with CIPC by at least 28 February 2020;**

- Company must be 100% owned by South African Citizens;
- Employees must be 70% South Africans;
- Priority will be given to businesses owned by Women, Youth and People with Disabilities;
- Be registered and compliant with SARS and UIF;
- Seda will assist micro-enterprises to comply and request for assistance must be emailed to [debtrelief@seda.org.za](mailto:debtrelief@seda.org.za);
- Whereas small and medium enterprises must ensure own compliance;
- Registration on the National SMME Database – <https://smmesa.gov.za>
- Proof that the business is negatively affected by COVID-19 pandemic;
- Complete the simplified online application platform;
- Company Statutory Documents;
- FICA documents (e.g. Municipal accounts, letter from traditional authority);
- Certified ID Copies of Directors;
- 3 months Bank Statements;
- Latest Annual Financial Statements or Latest Management Accounts not older than three months from date of application – where applicable;
- Business Profile;
- 6 months Cash Flow Projections – where applicable;
- Copy of Lease Agreement or Proof ownership if applying for rental relief;
- If applying for payroll relief, details of employees - as registered with UIF and including banking details – will be required as payroll payments will be made directly to employees;
- SMME employers who are not compliant with UIF must register before applying for relief;
- Facility Statements of Other Funders;
- Detail breakdown on application of funds including salaries, rent etc.

#### Application process

- Register on <https://smmesa.gov.za/>
- Complete online Application Form (to be released on Thursday, 02 April 2020);
- Upload Required Supporting Documents

### Business Growth and Resilience Facility

#### Assistance provided

This Facility is targeted at SMMEs who locally manufacture or supply hygiene and medical products that are in demand in order to curb and manage the spread of the COVID-19 virus. It will provide working capital, stock, bridging finance, order finance and equipment finance to small businesses which supply in-demand medical supplies like hand sanitiser, with funding dependent on the business's requirements.

#### What

Provide loan to assist at prime less 5%.  
If loan abuse – pay back at prime + 10%

#### Criteria

**The business must have been registered with CIPC by at least 28 February 2020;**

- Company must be 100% owned by South African Citizens;
- Employees must be 70% South Africans;
- Priority will be given to businesses owned by Women, Youth and People with Disabilities;
- Be registered and compliant with SARS and UIF;
- For non-compliant Micro businesses, Seda will assist them to comply and request for assistance must be sent to: [growthfund@seda.org.za](mailto:growthfund@seda.org.za);
- Registration on the National SMME Database: <https://smmesa.gov.za/>
- Complete the simplified online application form available from [www.dsbd.gov.za](http://www.dsbd.gov.za);
- [www.sefa.org.za](http://www.sefa.org.za): <https://seda.org.za>
- CIPC Registration Documents;
- FICA documents (e.g. Municipal accounts, letter from traditional authority);
- ID Copies of Directors/members;
- 3 months Bank Statements;
- Latest Annual Financial Statements or Management Accounts not older than three months from date of application;
- Business Profile;
- 6 months Cash Flow Projections – where applicable;
- Relevant Industry Certification – where applicable;
- Estimations for funding requested.

#### Application process

- Register on <https://smmesa.gov.za/>
- Complete online Application Form (to be released on Thursday, 02 April 2020);
- Upload Required Supporting Documents



The Department of Small Business development announced a number of interventions for small businesses including a Debt Relief Financing Scheme and Growth Resilience Facility. Applications have been overwhelming with 81 000 SMMEs applying thus far and growing.

### South African Future Trust (SAFT)

<b>What</b>	SAFT, an independent trust set up by Nicky and Jonathan Oppenheimer to extend direct financial support to the employees of SMMEs who are at risk of losing their jobs, has been funded with an initial contribution of R1 billion, with the aim of mitigating the immediate economic impact of the COVID-19 crisis.	<b>Which employees are eligible for funding?</b>	Funds will be transferred directly to the employees of the qualifying SMMEs, and the employees themselves will carry no liability.
<b>Assistance</b>	SAFT funds will be disbursed as concessionary loans to qualifying SMMEs. These loans will be interest-free over a 5-year term and will be administered by the Partner Banks on behalf of SAFT. Funds will be transferred directly to the employees of the qualifying SMMEs, and the employees themselves will carry no liability.		<ul style="list-style-type: none"> <li>• Eligible employees are those who are at risk of losing their jobs, or suffering a loss of income, as a result of COVID-19.</li> <li>• Employees who are considered Full Time Employees in the employ of that business. This fund does not make provision for contractors employed on a project-basis.</li> <li>• Directors, shareholders, owners, Trustees (etc.) or their family members will not be legible to receive funding through SAFT. This is limited to employees of the business.</li> <li>• Employees do not apply directly for this fund; qualifying small businesses apply for the benefit of their employees.</li> </ul>
<b>Criteria</b>	<b>To be eligible for support:</b> <ul style="list-style-type: none"> <li>• Turnover below R25 million per annum</li> <li>• Ability to demonstrate impact of COVID-19 on their operations now, or in the future</li> <li>• Trading for at least 24 months</li> <li>• Your business is in good standing</li> </ul>	<b>How much money will employees receive?</b>	<ul style="list-style-type: none"> <li>• SAFT funding is intended as immediate and short-term relief to enable businesses to continue operations while protecting jobs. As such it is both time-bound and limited to a basic weekly income, to maximise the number of those who can benefit from the scheme.</li> <li>• Loan amounts will be approved based on a standard rate of R750 per week per employee, for a period of 15 weeks (i.e. approximately R11 250 per employee). This payment is not a salary but rather intended to provide short-term relief to those who might otherwise become destitute. The 15-week period may be revised by SAFT through careful consideration on the current situation, and approved entities will be advised of any such changes. An opt-out basis will also exist throughout the 15-week period.</li> </ul>
<b>Documents</b>	<b>Following documentation supporting SAFT application:</b> <ul style="list-style-type: none"> <li>• Company registration number (if you have a company or a close corporation), or</li> <li>• The master's reference number (if applying on behalf of a trust), or</li> <li>• Identity number and business address (if you are a sole proprietor)</li> <li>• Names and ID numbers of all directors / members / trustees / sole proprietor</li> <li>• PAYE number (if applicable)</li> <li>• Income tax number</li> <li>• A list of the full-time employees to receive financial relief with the full names, ID number, bank account details and contact details.</li> </ul>	<b>How long will it take for employees to receive their first payment?</b>	Once the application process is complete, and if your loan is approved, it will take up to seven days after signature of the loan agreement for the first week's payments to be deposited into your employee/s' account/s, dependent on the day that the signed loan agreement was received.
<b>Turnaround time</b>	Once the application process is complete, and if your loan is approved, it will take up to seven days after signature of the loan agreement for the first week's payments to be deposited into your employee/s' account/s, dependent on the day that the signed loan agreement was received.	<b>Can anyone apply for SAFT support?</b>	This scheme is currently only available to SMMEs who are business clients of Standard Bank, ABSA, FirstRand Bank and Nedbank. SMMEs need to apply with the Bank where they hold their main transactional business banking account.
<b>How will SAFT be administered?</b>	SAFT has formed a partnership with four of South Africa's leading banks to administer the scheme: Standard Bank, ABSA, FirstRand Bank and Nedbank. All four banks have waived their fees related to administering this fund during this period of national disaster, to maximise the funds available to recipients.	<b>When will businesses be expected to start repaying the loan?</b>	The interest-free loan is repayable, in full, on or before 31/12/2025. Instalments can be made over the course of the 5 years, as determined by the business owners/ directors/ Trustees, Board members, etc., or as a lump sum payment on or before 31/12/2025. There will be no penalties for early repayments. Bank account details for repayment, along with a relevant unique reference to be used, will be provided on loan agreements.
<b>How will SAFT funding work?</b>	During this initial COVID-19 period, the funds will be disbursed as concessionary loans to qualifying SMMEs. These loans will be interest-free over a 5 year-term and will be administered by the Partner Banks on behalf of SAFT.	You can keep visiting the website for information from SAFT directly as and when updates are made: <a href="http://www.opp-gen.com">www.opp-gen.com</a> .	

# EMPLOYEES

Many practitioners as employers are suffering financially as a result of the forced lockdown which has caused their practices to close and ultimately resulted in them losing most, if not all, of their income. Employers have been encouraged to continue paying their employees during this period, but without income this may seem like an insurmountable task. However, thanks to Government intervention, employers now have a number of options available to assist them in paying employee wages, namely:

## COVID-19 – Temporary Employee Relief Scheme (TERS)

### Assistance provided

This scheme, previously referred to as the National Disaster Benefit, was established by the Government, under the Unemployment Insurance Fund ("the UIF"), to assist employers in the compensation of employees who may have lost income as a result of their employers' businesses being forced to close or partially down due to COVID-19. The directive was issued on 26 March 2020 which caused a great deal of confusion and later amended on 8 April 2020. These amendments now clearly confirm that an employer does not have to close its operations completely to qualify for benefits under C19 TERS.

### Criteria

- The employer must be registered with the UIF; (Should your business not be compliant; you will be able to undertake to pay outstanding contributions and bring your required declarations up to date within a stipulated timeframe).
- The employer must comply with the application procedure for the financial relief scheme; and
- The closure of the employer's business must be directly linked to COVID-19.

### How long?

Thus, provided the above criteria are met, an employer which closes or partially closes for 3 months and suffers financial distress as a result thereof, will be entitled to a C19 TERS relief benefit.

### How to claim?

COVID-19 Temporary employee/employer relief scheme. Send blank email to address and receive draft MOA and prescribed template:

[Covid19ters@labour.gov.za](mailto:Covid19ters@labour.gov.za)

Department of Employment and Labour has created a facility for UIF COVID-19 TERS submissions to be made online at

<https://uifecc.labour.gov.za/covid19/>

It is now been confirmed that employers with ten or less employees who choose to apply for Covid-19 TERS relief, do not have to enter into the prescribed agreement (MOA) with the UIF. They may be required to provide written or electronic confirmation of acceptance of the terms and conditions of the scheme.

### When must I apply?

UIF Commissioner has indicated that employers that want to make use of Covid-19 TERS should do so before the end of the current lock-down. Assistance provided Salary to be taken into account in calculating the benefits will be capped at a maximum amount of R17,712.00 per month, for three months. Employee will be paid in terms of the income replacement rate sliding scale (38%-60%) as provided in the UI Act (38% for high income earners- 60% for low income earners) Should an employee's income determined in terms of the income replacement sliding scale fall below R3500, the employee will be paid a replacement income equal to that amount which is the minimum wage. This does not mean those earning more than this amount will not be entitled to assistance nor does it you will get R17712,00 per month.

#### Some Examples:

R40000pm salary

38% of 17712 = R6731

60% of R1712 = R10627

Salary R12000

38% of 12000 = R4560

60% of 12000= R7200

Salary R6000

38% of 6000 = R2280 – paid R3500 minimum wage

60% of 6000 = R3600 = employee will be paid 3600

### When will TERS be paid?

No payment paid to employer will fall under general assets and cannot be held by the Bank for overdraft of other debt. No bank may refuse to pay this amount over and banks cannot attach this amount. The employer has to open a dedicated UIF bank account, or clear an existing account, so that Covid-19 benefits can be tracked.

This is an escalated procedure pursuant to which, the UIF should theoretically pay the benefit within 30 days of a valid application being submitted. However, insomuch as this is a relatively new scheme which will no doubt be inundated with thousands of applications, some teething problems may be anticipated. Furthermore, it is important to note that this benefit must be applied for by, and paid directly to, the employer, which is obliged to use the funds received to pay its employees.





## EMPLOYEES

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Much confusion has arisen as a result of conflicting information sent out by the Department of Employment and Labour pertaining to the period for which claims in terms of the TERS are allowed. The Department has sent out official information in the form of a FAQ's document that stipulated that claim in terms of TERS is only allowed until the end of the lock-down period (30 April 2020). It is noted that neither the original TERS directive nor the subsequent amendments make mention of this. The directive makes it very clear that claims may be submitted for a period of up to three months in the case of a closure or partial closure of a business as a result of the COVID-19 pandemic (i.e. not limited to the lock-down) and it does not make any reference to specific dates.

**It is our view that employers should be able to submit claims for COVID-19 TERS benefits beyond the lock-down.**

### Illness benefits under C19 TERS

In addition, C19 TERS also offers an illness benefit. This benefit is applicable where an employee is placed in quarantine for 14 days as a result of COVID-19.

Similarly, to the temporary relief scheme, illness benefits are applied for by, and paid directly to, the employer, which thereafter pays them to its relevant employees.

Each application must be accompanied by a letter duly signed by both the employer and the employee, confirming that the employee was placed in agreed precautionary self quarantine for a period of 14 days. This letter replaces the medical certificate which is usually required for illness benefits payable by the UIF.

A medical certificate will however be required where benefits are applied for in respect of quarantine periods extending 14 days. Illness benefits will be determined in accordance with the prescribed structure contained in the Act.

#### Maximum salary that can be claimed

R17 712 Maximum paid  
 $R17\ 712 \times 38\% = R6\ 730$  p/m  
 $R4\ 087$  p/w  $\times 38\% = R1\ 553$  p/w

#### Minimum paid at minimum wage

$R20.76 \times 40$  hrs = R830.40 p/w

**Use Internal Rate of Return, higher salaries can claim 38%, lower salaries can claim up to 60%**

### COIDA (Occupational Disease)

#### Compensation for Occupational Injuries and Diseases Act 130 of 1993

In as much as COVID-19 was recently confirmed as an occupational illness under COIDA, employees who contract COVID-19 during the course of their employment and who are temporarily disabled as a result thereof, are entitled to claim compensation under COIDA for a period not exceeding 30 days.

In addition, COIDA will provide medical aid to that infected employee for a period not exceeding 30 days. Furthermore, there must be a direct link between the COVID-19 exposure in the course of employment and the manifestation of the symptoms. This means that no compensation is claimable under COIDA in instances of self-quarantine where an employee fears that he may have the virus, but does not display any symptoms.

Where an employee dies as a result of COVID-19 contracted at work, COIDA will also pay out reasonable burial expenses and any widow's or dependant's pensions, where applicable. If, however, it cannot be shown that the Coronavirus was contracted in the course of the employee's employment, any period of absence as a result of being infected will be regarded as sick leave.

# EMPLOYEES - LEAVE

Many practitioners as employers are suffering financially as a result of the forced lockdown which has caused their practices to close and ultimately resulted in them losing most, if not all, of their income. Employers have been encouraged to continue paying their employees during this period, but without income this may seem like an insurmountable task. However, thanks to Government intervention, employers now have a number of options available to assist them in paying employee wages, namely:

## FORCED ANNUAL LEAVE

A further, and more informal, benefit available to employers is that, in terms of a directive issued by the Government on 26 March, employers can insist that their employees take their annual leave during the lock down. The Government has however, urged employers to avoid this course as far as possible and instead, utilise the C19 TERS salary benefit in circumstances where they cannot afford to pay employees' salaries.

An employer must grant statutory annual leave in accordance with an agreement between the parties. In the absence of an agreement, the employer may determine the time for statutory annual leave to be taken. When an employer wishes to send employees home on statutory annual leave to keep them away from the office during a pandemic such as this, it may determine the time for them to take statutory annual leave.

In cases where employees have already agreed to take leave during the shutdown period, employers may decide to apply for the national disaster benefit on the basis that the employees have been laid off without pay. If the claim is successful, the leave granted can be reversed. If the national disaster benefit is not granted, the employer would be justified to maintain the original leave arrangement.

## SICK LEAVE

Self-isolation precaution and by written agreement – employee may apply to UIF for benefits. Parties will have to enter into written agreement.

If there is no agreement – it is sick leave subject to medical certificate

Quarantined for 14 days – illness benefit medical certificate required by UIF irrespective whether the employee has contracted the virus or not.

## WHAT ABOUT "SPECIAL LEAVE"?

Yes. Working from home may be permitted. This is not always viable but could be considered in a corporate environment. Should employers consider this option, we recommend that clear guidelines be set for employees. This may include that the working environment must be safe, the employee must have a secure telephone line and Wi-Fi connection and employees should remain within travelling distance of the office.

## SHORT TIME WORK

Many practitioners, despite the sudden economic downturn due to the COVID-19 pandemic, do not wish to retrench their Employees due to various reasons; employees working for the Employer for years if not decades, loyal and hardworking, have families to financially support as well as other financial responsibilities. They may consider other alternatives to avoid a retrenchment which should be the last resort. The CCMA has defined "short time work means a temporary reduction in the number of ordinary hours of work owing to reasons including slackness of trade, shortage of raw material, vagaries of weather, breakdown of plant machinery or buildings that are unfit for use or is in danger of becoming fit for use".

Due to COVID-19 pandemic short time work could be implemented subject to following:

- Short time work is imposed as a temporary measure for a temporary period where there is only limited amount of work for an Employee to do. From a financial standpoint, practitioners cannot afford to pay their full staff complement their full-time salaries as per the norm prior to COVID-19. Accordingly, the Employee will be working far less hours in a day, or week or month for the practitioner;
- Short time work is an alternative to retrenchment, providing the Employee with the opportunity to still earn an income during the period the COVID-19 pandemic exists.
- The Employee understands that he or she is still an Employee of the practitioner and all the normal contractual obligations and rights of the contract of employment still applies except for the implementation of short time work which has been agreed upon.
- Short Time Work
- Unless short time work is provided for in an Employee's contract of employment, it cannot be unilaterally imposed on Employees. Imposing short time work unilaterally entails a change to working hours and reduction in remuneration i.e. a unilateral change to the terms and conditions of employment, which if proved, could amount to an unlawful breach of the employment contract by the Employer.
- To avoid retrenchment as well as a claim by the Employee for a change to his or her terms and conditions of employment, the Employee and Employer need to agree to the implementation of short time work. Short time work cannot be implemented without the consent of the Employee.
- Employees must note and be mindful of the fact that short time work is an alternative to retrenchment. At the very least during this crisis period, an Employee could earn income rather than be retrenched.
- If the Employee refuses to agree to short -time work, they must understand that you will have a justifiable reason for implementing short time work, which COVID-19 would be in this instance then Employees may run the risk of dismissal for operational reasons i.e. retrenchment and perhaps waiving severance pay.
- When selecting Employees for short time work, an Employer should apply the same standard of selection criteria used when contemplating dismissal for operational requirements for example, the last in first first out rule (LIFO) is often applied in retrenchments and the same method can be applied for identifying which Employees should be placed on short time work. It must be noted however, that this is not the only method that can be applied in these circumstances.
- The implementation of short time work is a win-win alternative to retrenchment.

# EMPLOYEES - WORK & CONDITIONS

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## TEMPORARY LAYOFFS

A further, and more informal, benefit available to employers is that, in terms of a directive issued by the Government on 26 March, employers can insist that their employees take their annual leave during the lock down. The Government has however, urged employers to avoid this course as far as possible and instead, utilise the C19 TERS salary benefit in circumstances where they cannot afford to pay employees' salaries.

An employer must grant statutory annual leave in accordance with an agreement between the parties. In the absence of an agreement, the employer may determine the time for statutory annual leave to be taken. When an employer wishes to send employees home on statutory annual leave to keep them away from the office during a pandemic such as this, it may determine the time for them to take statutory annual leave.

In cases where employees have already agreed to take leave during the shutdown period, employers may decide to apply for the national disaster benefit on the basis that the employees have been laid off without pay. If the claim is successful, the leave granted can be reversed. If the national disaster benefit is not granted, the employer would be justified to maintain the original leave arrangement.

## May employees be required to work from home?

Yes. Working from home may be permitted. This is not always viable but could be considered in a corporate environment. Should employers consider this option, we recommend that clear guidelines be set for employees. This may include that the working environment must be safe, the employee must have a secure telephone line and Wi-Fi connection and employees should remain within travelling distance of the office.

## REAL ESTATE

The major representative bodies for real estate in South Africa – the SA REIT (Real Estate Investment Trust) Association (SA REIT), SA Property Owners Association (SAPOA) and SA Council of Shopping Centres (SACSC) as a collective issued the following:

For April and May 2020, retail landlords will offer relief in the form of rental discounts where rental will be waived partially or fully and interest-free rental deferrals where the deferred rental will be recovered later over six to nine months from 1 July 2020 onwards.

Rental includes rent, operating costs and parking rental but excludes all rates and taxes recoveries and utility cost recoveries, as well as insurance, which all tenants will be required to pay in full for April and May 2020.





# EMPLOYEES - WORK & CONDITIONS

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## BANKS

The country's four full-service banks have all announced relief measures for personal and business customers impacted by the Covid-19 outbreak and nationwide lockdown.

### ABSA

Absa announced a "comprehensive customer, business and corporate relief programme", effective Monday. Absa says "customers in good standing (with up to date accounts), and who have been financially impacted by the pandemic, will have the opportunity to opt-in for payment relief".

Customers will be able to defer payments for a period of three months, or to "pay reduced instalments by agreement with the bank". If customers are in a position to, they will continue to pay instalments as normal. "Relevant agreements will be adjusted, by revising the loan period and capitalising interest during the relief period."

### FNB

FNB has opted for the most powerful way to help its customers, instead of offering relief "product by product". FNB wanted a solution that could work for 70% to 80% of those (those in good standing). While many of the specifics will be made available over the coming days, customers can already apply for assistance in the app.

### NEDBANK

Nedbank has not yet announced blanket relief, although it says it will "continue to be guided by our existing lending policies which includes a number of solutions designed to assist clients experiencing payment difficulties"

### STANDARD BANK

Standard Bank's first wave of relief was targeted at small and medium-sized enterprises (SMEs) and students. A Coronavirus Payment Interruption Scheme on business loans for small businesses with a turnover of less than R20 million per year; and "A three-month instalment relief for all personal loans for small business owners of businesses with a turnover of less than R20 million per year." Automatic instalment relief has also been offered to qualifying customers

## TAX RELIEF

### On 23 March 2020, the President of South Africa, Cyril Ramaphosa, issued a statement on the "Escalation of Measures to Combat COVID-19."

In this statement, the President announced a set of measures aimed at providing relief through the tax system for businesses in distress with specific focus on small and medium sized businesses (turnover of less than R50 million (around US\$3 million per annum).

- The Employment Tax Incentive (ETI) is an incentive that was introduced by SARS to encourage employers to hire young job seekers. It reduces the cost of hiring young people by effectively reducing the amount of employees' tax (PAYE – Pay As You Earn) needed to be paid by the employer (typically on higher earning employees' wages) without affecting the employee's salary. In order to minimize the loss of jobs, it is proposed that the ETI program be extended for tax-compliant employers registered with SARS as at 1 March 2020 for a limited period of four months beginning on 1 April 2020 and ending on 31 July 2020.
- For the period 1 April 2020 to 31 July 2020, tax-compliant SMMEs will be allowed to defer the payment of 20% of their employees' tax liabilities without incurring any penalties or interest. The deferred liability will become payable in equal instalments over the six-month period commencing on 1 August 2020, with the first payment due on 7 September 2020.
- For the period 1 April 2020 to 31 March 2021, Tax compliant SMMEs<sup>2</sup> will be allowed to defer a portion of the first and second provisional tax payments without incurring any penalties or interest as follows:
  - The first provisional tax payment (due from 1 April 2020 to 30 September 2020) will be based on 15% of the estimated total tax liability.
  - The second provisional tax payment (due from 1 April 2020 to 31 March 2021) will be based on 65% of the estimated total tax liability.
  - To avoid interest charges, provisional taxpayers with deferred payments will need to pay the full tax liability when making their third "top up" provisional tax payment. The above measures will be given legal effect in terms of two bills to be tabled when Parliament re-convenes later this year for retrospective enactment.

**Consult your accountant for more information.**