

**MINISTRY**

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**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1046 [NW1336E]**

**INTERNAL QUESTION PAPER NO.: 18**

**DATE OF PUBLICATION: 29 MAY 2020**

**DATE OF REPLY: 8 JUNE 2020**

**1046. Ms S J Graham (DA) asked the Minister of Public Works and Infrastructure:**

(1) Whether, with reference to the directive she issued on 26 March 2020 requiring that all Expanded Public Works Programme (EPWP) employees be paid during the period of lockdown to curb the spread of Covid-19 until 16 April 2020 (details furnished), organisations are exempted from paying EPWP employees from 16 April 2020; if not, what is the position in this regard; if so,

(2) whether EPWP employees can claim from the Unemployment Insurance Fund after 16 April 2020; if so, (a) is the employer obligated to claim on behalf of the employee and (b) what other sources of income are available to EPWP employees who cannot work;

(3) whether organisations are still required to pay the employees during the period of lockdown to curb the spread of Covid-19; if not, what is the position in this regard; if so, what (a) measures are in place to monitor that this is being done, (b) measures will be taken against (i) companies and (ii) departments who do not pay their EPWP employees and (c) enforcement mechanisms are in place to ensure adherence? **NW1336E**

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**REPLY:**

The Minister of Public Works and Infrastructure:

(1) Subsequent to the Directive of 26 March 2020 and the Clarification Note of 29 March 2020 issued by the Minister of Public Works and Infrastructure, on 13 May 2020 the Department of Public Works and Infrastructure issued a further Clarification Notes aligning the payment of EPWP workers with the Temporary Employee/Employer Relief Scheme (C19 TERS) benefit. This benefit is applicable for the duration of the lock down, subject to a valid EPWP contract in place and the conditions of C 19 TERS. The Clarification Note of 13 May 2020 was issued to all Accounting Officers coordinating and implementing the EPWP across all the three spheres of government advising the Accounting Officers of the applicability of the C19 TERS benefit. The circular clarified that participants who had valid contracts during the lockdown period whether paid or not in at work during the lockdown may claim through C19 TERS. This was to ensure that public bodies, who were financially under pressure, and could not pay the participants would now be in a position to pay the said participants.

(2) Yes. EPWP participants are entitled to Unemployment Insurance Fund benefits, subject to the Unemployment Insurance Fund Act, No. 63 of 2001. UIF can be claimed by participants in the event the EPWP contract had or will come to an ended and such participants are eligible for UIF benefits. In the event a valid contract exists, C 19 TERS applies.

1. C 19 TERS, provides for the employer to claim on behalf of its employees. C19 TERS is not compulsory. It is a benefit to assist employers to pay employees during the lock down, protecting the employees from the adverse impact such as the loss of income or are required to take annual leave in terms of section 20 (10) of the Basic Conditions of Employment Act, 1997.

1. In the event an EPWP participant is not eligible for C 19 TERS and UIF benefits, then the participant may apply for the Social Relief of Distress Grant through the South African Social Security Agency (SASSA).

(3) The payment of EPWP participants is addressed in point 1 and point 2 of this response.

(a) The monitoring of compliance by public bodies paying EPWP participants during the lockdown period has been developed and onc it would be institutionalised and public bodies informed through, a circular, on how to report this information in the EPWP Reporting System.

(b) (i) and (ii) The EPWP Ministerial Determination, section 13, places the responsibility of payments to EPWP participants on the employers. Section 12 and 13 of the EPWP Ministerial Determination further stipulates that all employers must keep a record of all payments made to workers. Thus, the Department of Public Works and Infrastructure (DPWI), as the coordinator of the EPWP, is not mandated nor empowered to take any measures against companies or public body (employer) that have not paid their EPWP employees during the lockdown.

(c) The EPWP Ministerial Determination is sub-regulation to the Basic Conditions of Employment Act, 1997. The enforcement of the Basic Conditions of Employment Act, 1997 and its sub-regulation is the mandate of the Department of Employment and Labour.