

FREQUENTLY ASKED CORONAVIRUS QUESTIONS, ANSWERED FOR YOU AND YOUR CLIENTS

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SATSA is monitoring this continually evolving situation and committed to bringing you the latest and most pertinent updates and advice. The health, safety and security of our members, their employees and all travellers is our highest priority.

It should be emphasised that South Africa is still at the beginning of the epidemiological curve, and the situation is going to evolve every 24 hours.

SATSA MEMBERSHIP

Q: Will SATSA relax payment terms for annual membership fees?

A: We are open to payment terms such as monthly instalments.

Know that SATSA is working hard on your behalf to coordinate and deliver the industry views through to the public sector bodies, lobby tirelessly for your best interests, and come up with solutions to help sustain businesses during this time of crisis. It is important that SATSA is preserved through this process.

We are in this with you and acutely aware of the financial pressures that all of our members are experiencing. We want to reassure you during this time.

BUSINESS PERSPECTIVE

Q: Some of the high-risk countries have laws that stipulate if borders get locked down, the tour operator or travel provider has to refund the clients in full? Does this mean that South African suppliers cannot, or should not, charge cancellation fees, despite what their terms say?

A: It depends on the laws of the individual countries and on whether the DMC in South Africa specifically describes themselves as a principal, or as an agent on behalf of an overseas entity, and what that means in terms of their positioning in the channel.

Assuming that the DMC in South Africa portrays themselves as the principal, then there are two distinct contractual obligations. The first is between the DMC and the supplier in South Africa. The other is the contractual obligation of the overseas entity to the South African DMC. If the country declares a force majeure, as has happened in Germany, the contractual obligation of the overseas entity with the local entity is effectively nullified, unless otherwise stipulated in the contract.

At the same time, that force majeure does not bear any effect on the contractual obligation between the South African DMC and the supplier. Unfortunately, this means that the DMC likely carries the burden, hence why it is critically important that there is a significant amount of flexibility through the supply chain.

Q: Who declares force majeure?

It depends. The ruling definition of force majeure is usually described within supply chain contracts. If you want to invoke a force majeure in South Africa, from a DMC to a supplier, it is normally very clear, e.g. when a

natural disaster destroys an accommodation and the supplier is no longer able to fulfil their contractual obligation.

COVID-19 poses a different situation, where the supplier is still in a position to fulfil its contractual obligation to provide a bed. But the DMC is unable to fulfil their obligation to deliver a customer into that bed.

This issue deals with three components: ethical and moral; long-term business objectives; and contractual. And in this unprecedented time, businesses should consider more than just purely the contractual component.

DMCs and suppliers need to try to work together – starting with effective, two-way communication. Encouragingly, many suppliers are trying to be as cooperative as possible, firstly with the guest, as well as with their intermediaries.

To help protect long-term business objectives, the industry should relax their payment terms and encourage guests to postpone or accept future credit, where possible.

When making decisions around cancellation fees, terms and conditions, and contractual obligations, it is important to also consider the various implications from an insurance perspective, e.g. business interruption insurance, cancellation insurance, and travellers' insurance. Where applicable, insurance should cover any costs or losses before the DMC or the supplier.

Q: For postponed bookings, some suppliers are charging higher rates – can we form an industry guideline to avoid internal fighting?

A: If full or even partial payment has been made, the advice is to hold the current rate for the next 12 to 18 months.

That said, the rate that is relevant now, for March 2020, may be too high come March 2021. When we emerge from the current situation, the global travel industry will need to set rates that are relevant to the demand curve at the time which could be much lower due to a competitive marketplace and other macroeconomic factors.

Q: Can, or should, travel companies encourage travel for South Africa's peak season later in the year?

A: It is difficult to say. South Africa is behind the epidemiological curve compared to countries in Europe, for instance. So in a few months, when Europe is perhaps coming out of this and lifting their restrictions, South Africa may still be in the midst of managing infection and containment.

Travel companies should plan for the possibility that business from source markets will be minimum for the remainder of the year and make plans to rebuild for 2021.

Judy Nwokedi, Black Business Council, says it well, *"When this passes, and it will, everyone is going to be in need of a holiday. And if there are no products or channels, then somebody else is going to step into the spaces where we've been for 20, 30, 45 years."*

HEALTH PERSPECTIVE

Q: What can we expect in South Africa?

A: We are still at the very beginning of our outbreak trajectory. We have over 100 cases, and the cases are increasing daily. At the moment, cases are still predominantly in returning travellers from the high-transmission countries (Europe, the UK, the USA).

We have a couple of cases of people who have not travelled where there is a link to an imported case or a known ill traveller (local transmission). We don't know that there is any community transmission at the moment.

In the next couple of weeks, imported cases will decline because of the lockdown and travel restrictions throughout the world, and there is no doubt that infection will move into the community, as shown everywhere else.

Q: How serious is coronavirus?

A: Overwhelmingly, infection is mild without complications. The majority of people who get infected have almost no symptoms and get better in a matter of days.

The worst cases and deaths have occurred in groups above the age of 60, particularly above 70, and those with pre-existing conditions, e.g. hypertension, cancer, asthma, and diabetes.

Q: Is South Africa's healthcare system prepared?

A: Preparing South Africa's health system is a challenge given our limited resources competing for priorities with other high-burden diseases such as TB and HIV. And we don't yet know what the impact of this will be on our TB and HIV population.

Now is a critical period for South Africa to ramp up its responses, to isolate individuals who are ill, and to track contacts. The health system has set up new computer systems to facilitate this process.

Testing kits and information have been widely distributed, and most health centres in South Africa will be able to conduct a test for coronavirus.

There are 5000 ICU beds in South Africa's health system, 3500 of which are in the private sector, which has agreed to work with the public sector to deploy a mechanism to free up these beds.

There is still a lot to be done in a very short period of time. But the private health sector has really stepped up to support the efforts and alleviate pressure on the public health sector.

What is certain is that health systems in many affected countries are overwhelmed at the moment. We need to do what we can in South Africa not to add undue strain to our own health system.

Q: What actions should the travel industry take to stay healthy?

A: It is recommended that everyone in the travel, tourism, and hospitality industry, especially those who are guest- and client-facing, receive the flu vaccine. In South Africa, we are going into our normal flu season now, and protecting yourself against flu will help take one of the respiratory illnesses out of the equation. But know that there is only a limited number of flu vaccines and no chance of receiving more. So it is important to do everything you can to stay healthy now.

Q: How long will the pandemic last?

A: There are a lot of questions about how long the various measures will be in place and when they can be relaxed. It appears that when some restrictions are lifted, as seen in China now, there is a resurgence of infections.

There are a lot of unknowns still, and different countries are applying different approaches. For instance, in the UK, they appear to currently be letting the virus run its course to an extent and boost immunity in the community while focusing on those more critical cases in hospital. Singapore has taken a different approach,

singling out every case of infection, rolling out widespread testing, enforcing isolation and quarantine, and making sure that people comply with the measures.

China implemented its draconian measures quite late, meaning that the outbreak was already going down by this point. While lockdown and extreme measures are cited as the reason for the infection decline in China, it may not be the sole reason for containment of the outbreak – each outbreak has a natural course it tends to run.

South Africa is a different setting, though. We have many people who cannot work from home and many who cannot quarantine at home because of a high household number. Factors like this have been taken into account in the national plan to make those resources available to patients who need to isolate.

South Africa is implementing some of the lockdown measures, but not all of them – it's balancing the economy and containment at the moment.

We can expect to see more community transmission in South Africa over the next few weeks. This is the reality – South Africa is at the beginning of the infection trajectory that has been seen in other countries. You should prepare for this to last for several months.

Q: Who needs to present themselves for testing, and what is the procedure?

A: Government has stated that all travellers who have entered South Africa from high-risk countries since mid-February will be required to present themselves for testing.

Despite the directive to test all individuals from high-risk countries, health centres may have a different threshold for testing and may not conduct tests on those who are asymptomatic or on the 'worried well'. The health system cannot cope with testing this high number of people. Furthermore, if you are asymptomatic and test negative, it only means that you are negative on that day – it doesn't confirm anything along that 14-day period.

Anyone who has arrived in South Africa from a high-risk country since mid-February must, however, go into quarantine or self-isolation for 14 days – 14 days marks the longest incubation period, but it is more often usually 5-6 days. If during this time, the person develops respiratory symptoms, then they should seek testing. People who have had contact with someone returning from a high-risk country or with an infected person must also self-isolate, and again, seek testing if they develop symptoms. There are some asymptomatic infections, but for the most part, only those who are symptomatic will infect others.

You should present yourself for testing if you show symptoms such as a dry cough, fever and myalgia (fatigue) **AND** fall into one of the following categories, according to NICD:

- Been in contact with someone who has COVID-19;
- Have travelled to a country with a high risk of infection (this will be based on the latest reports from WHO and NICD);
- Have worked in or been to a healthcare facility treating people with COVID-19; or
- Have a severe case of pneumonia with an unknown cause.

Testing is widely available. Go online to one of the private laboratories – [Ampath](#), [Lancet](#) and [Pathcare](#) – to fill in a form and find a list of sampling centres near you. Phone them in advance; do not go straight to a health centre.

During testing, you will need to share information about your contacts.

Testing costs around R1000-1400 in the private sector and is free in the public sector. But know that due to the high number of specimens to test, there is a backlog at the moment in the public sector.

Q: What happens when a test comes back positive?

A: The patient will need to be in isolation or quarantine while awaiting the result of their test (24-48 hours).

If the test comes back positive, they will need to remain in isolation or quarantine. Only cases with complications, or patients over a certain age or with pre-existing conditions will be admitted to the hospital. Complications tend to occur towards the end of the first week.

If the patient cannot be isolated at home, they may be sent to a hotel or an isolation centre. If they are a visitor in South Africa, they cannot continue to travel in the country or be put back on an aeroplane.

There are some plans for step-down facilities where people – who cannot isolate elsewhere, visitors included – could wait out their infection rather than in hospital.

Q: Will establishments that welcome hundreds of visitors be required to close?

Mass gatherings, which are currently banned above 100 people, only refer to events such as sporting, conferences, concerts, church congregations, etc. It does not refer to an office building or a hotel in which there are 100 or more people. People in these spaces still must limit contact and socially distance themselves, though.

LEGAL PERSPECTIVE

Q: From a legal standpoint, what can travel businesses do to protect their staff and their jobs?

A: The options available to businesses are three-fold. Ideally, we want to try to avoid retrenchments.

1. The first option would be to discuss layoffs. This means that the employee remains in employ but is not paid for a period of time, in anticipation that the business will be running again in the short-term.
2. The other option that can run simultaneously is having your employees go on short-time.

Both of these options require the agreement of the employees and for larger companies, perhaps the agreement of trade unions.

3. If you cannot reach an agreement, or if you are faced with no other option, then, of course, you are entitled to consider retrenchments. Employers are required to issue a Section 189 notice in terms of the Labour Relations Act. You should seek advice from a labour consultant or a lawyer who specialises in labour law. Retrenchments require a process of consultation. You can enter into these consultations quite quickly; there is no limit in terms of the time frame.

If you do decide to dismiss employees, you are required to dismiss them with notice. Unless otherwise stated in the contract of employment, the periods of notice will be found in the Base Conditions of Employment Act. Ordinarily, it is one week for someone who has worked for you for less than one month; two weeks for less than six months; 30 days thereafter. You are required to pay out an employee for the notice period.

You would also be required to pay them a severance benefit equal to one week per completed year of service, as per the Base Conditions of Employment Act.

If you are financially not in a position to pay severance, you can approach the Department of Labour and get advice from a labour consultant or lawyer.

Solomon Holmes offers a [Coronavirus Workplace Policy Draft](#) on its website, along with other resources under 'Employment Law News' that businesses will find useful during this time.

Q: Is there the possibility of dispensation to circumvent the consensus-seeking process?

A: No. Layoffs and short-time will require the agreement of employees, and this is unlikely to change. It is a part of South Africa's common law and is entrenched in employment legislation.

Q: Is there a possibility to access the Unemployment Insurance Fund while avoiding retrenchments?

A: It appears that the Department of Labour is looking to rely on the National Skills Fund for support that will allow employees who have been laid off or moved to short-time to claim unemployment insurance.

There is a precedent for the Department of Labour, working with UIF, to make available a Training Layoff Scheme. This allows employees, with their employers, to access funds that will assist in paying unemployment, while employees are laid off or on short-time.

These details are still forthcoming from the Department of Labour. As soon as available, SolomonHolmes will be publishing the details on its website and share with SATSA to make available to all members.

Q: What must employers do in terms of health and safety?

A: All employers have the right and an obligation to keep their workplaces healthy and safe. This would include preventing the transfer of the virus to their employees and other guests. Accordingly, it follows that the person in control of such a workplace would be entitled to question anyone who intends entering the premises for the specific purpose of meeting these obligations.

Should they feel that they have no option but to grant a guest access, then they may be entitled to do so under strict terms, such as requiring the guest to self-isolate themselves.

Further, most properties would constitute private property. As such, under the common law, the person in control of such property is entitled to set the parameters for allowing access to the property. It is unlikely that a court will find that denying a person access, whom it is feared is carrying the virus, would constitute a form of discrimination. If it is discrimination, it is entirely justifiable and based on the reasons set out above.

Employers may need to instruct staff, who have work laptops or mobile phones to continue working from home if possible. Employees who are unable to work from home may be forced to take annual leave.

More information on employers' rights can be found on SolomonHolmes' website: [The Coronavirus Effect On Your Workplace And Your Business.](#)

GENERAL INFORMATION ON RESTRICTIONS

Q: What travel restrictions are in place in South Africa at the moment?

A: President Cyril Ramaphosa announced on 15 March 2020 that the government would impose the following travel restrictions:

- **A travel ban on foreign nationals from high-risk countries such as Italy, Iran, South Korea, Spain, Germany, the United States, the United Kingdom and China** from 18 March 2020. Based on the current information, on 19 March 2020, **Switzerland** and **France** are also on this list.
- Travellers from medium-risk countries – Hong Kong, Singapore and Portugal – will be required to undergo high-intensity screening upon entry into the country.

- South African citizens are advised to refrain from all forms of travel to or through identified high-risk countries such as the EU, the USA, the UK, China, Iran and South Korea. Effective immediately.
- All non-essential domestic travel is discouraged, particularly by air, rail, taxis and bus.
- South African citizens returning from high-risk countries will be subjected to testing and self-isolation or quarantine on return to South Africa. The quarantine is compulsory and for 14 days.

It is important to note that the biggest denominator on implementing quarantine will be based on travel history, not nationality. Government has stated that this process deals with stigma issues and that it is a time for solidarity, not stigmatisation. Since the travel ban announcements, some of the airlines have already started cancelling their scheduled flights and have notified affected passengers accordingly.

Q: What is the confirmed list of high-risk countries?

A: The list as it stands on 19 March 2020 is: China, Iran, Italy, Spain, Germany, the United States, the United Kingdom, France, Switzerland, and South Korea.

It is important to note that while France was not on President Cyril Ramaphosa's list of high-risk countries as announced on Sunday 15 March, this was an oversight and it is on the list that South Africa has included in its travel ban.

Switzerland was also added to the list of high-risk countries as of 17 March 2020, according to an announcement by the Department of International Relations & Cooperation.

The high-risk countries have been designated by the World Health Organization (WHO), not the South African Government. The list will be reviewed regularly and is subject to change based on infection rates, as reported by WHO.

Q: What are the visa restrictions?

A: South Africa believes that the only mechanism to deny access to high-risk travellers is by imposing visa requirements, even for those nationalities which have not traditionally required visas to visit South Africa.

Further to requiring a visa, South Africa will also review the Advanced Passenger Process (APP) lists of passengers prior to the arrival of passengers by air and flag any potential cases. The flight will be flagged and retained in a special area for checking before passengers are allowed to disembark.

The primary changes to visa restrictions include the following:

- a) The visa exemption enjoyed by nationals of high-risk countries – namely Italy, South Korea, Spain, Switzerland, France, Germany, the USA, and the UK – has been withdrawn. Therefore, any foreign national from the listed countries who proceeds to a port of entry without a valid port of entry visa will be refused entry into South Africa. No foreign national who departed from these high-risk countries will be allowed to enter the Republic of South Africa with effect from 18 March 2020.
- b) The visa exemption enjoyed by nationals of medium risk countries – namely Portugal, Hong Kong and Singapore – has also been withdrawn. Any foreign national from these medium risk countries who wishes to visit South Africa is subject to visa requirements. They are required to submit a medical report attesting to the fact that they have not tested positive for COVID-19 when applying for a visa.
- c) Port of entry visas issued to citizens of China and Iran before or on 15 March 2020 have been cancelled with immediate effect and declared null and void.
- d) No foreign national who has visited a high-risk country since 15 March 2020 will be admitted to the Republic of South Africa, with effect from 18 March 2020.

The Minister of Home Affairs stated on 17 March 2020 that the assessment to allow access to South Africa will be based on travel history, not nationality to ensure there is no discrimination.

Foreign nationals on South African student visas, work visas, or residency permits will not be affected.

The government will continue to regularly issue travel alerts referring to specific cities, countries or regions as the situation evolves based on the risk level.

Q: Can foreign nationals renew their South African visas?

A: South Africa will renew expired visas – long or short – for nationals specifically due to COVID-19 reasons for up to July 2020, after which this will be evaluated. In the spirit of international solidarity, if South Africa is asked by another country to safeguard its citizens – in the same way, South African citizens were retained in China – South Africa will not refuse them.

For those foreign nationals, who wish to extend their stay, not due to COVID-19, they will need to provide another good reason.

Q: Will travellers from high-risk countries be allowed to transfer through South Africa's international airports if they are only in-transit out of the country and do not enter through immigration?

A: Tourism Business Council of South Africa (TBCSA) has confirmed that the following:

- Travellers from high-risk countries who are on their way home will be allowed to transit through South Africa.
- Travellers from high-risk countries who are transiting through South Africa to another destination (i.e. not on their way home) will not be allowed, even if they are not required to clear customs

Q: What is happening to flights departing South Africa?

A: For any queries regarding flights, cancellations, and refunds, the airline in question should be the first contact. The aviation industry is changing quickly as the situation unfolds, and airlines will have the most up-to-date, accurate information when it comes to their own policies and schedules.

It depends on the airline, but in most cases, the passenger should be given a full refund if the airline has cancelled the flight and suspended all service out of South Africa. The traveller should then try to rebook their flight with another airline. If they are unable to depart South Africa before their visa or permit expires, the Department of Home Affairs has said that it will make exceptions up to July 2020, after which this will be evaluated.

Airlines that fly direct between South Africa and the high-risk countries will need to review these routes and make decisions about whether it is sustainable to continue service.

Over the course of the next week, repatriation will occur on a large scale around the world, following which many airlines will no longer be able to fill seats and will likely cut their service, by up to 50% to 70% in some cases. This means that what an airline is doing today, it might not be doing in a week's time. After most repatriation has occurred, most airlines will need to be rescued or consolidated.

Q: How will the travel restrictions affect foreign nationals departing the country?

A: As long as flights are going, foreign nationals will not be prevented from leaving the country. On arrival in their destination, they will be subject to the local border control measures or restrictions in place.

Remember that travel restrictions are in constant flux as the infection spreads. Check the relevant consulate or embassy before any travel.

Government has South African citizens and permanent residents to refrain from all use of air travel until further notice.

Q: Is domestic travel in South Africa still allowed?

A: There is no restriction on domestic travel. But, you are encouraged to limit unnecessary movement, particularly by air, rail, taxis and bus.

There will be further announcements coming each day. Government is recommending everyone to limit movement and social distance themselves.

Q: What are the regulations regarding restaurants and alcohol sales?

A: Wendy Alberts from the Restaurant Association of South Africa, with Advocate Lufuno, advisor to the Minister of Health, confirm the following:

Restaurants can continue to trade, as well as do deliveries and collections, in their normal hours. But they can only sell liquor between the hours of 09:00 and 18:00 on weekdays and Saturdays; and between 09:00 and 13:00 on Sundays and public holidays.

They must limit the number of people on their premises to 50, or less, including staff.

For celebrations and occasions, such as weddings and funerals, the number of people in attendance must be less than 100, including staff. These gatherings are not permitted to sell liquor.

It is important for restaurants and gatherings to be responsible; otherwise, further steps will be taken towards a complete shutdown.

The Tourism Grading Council of South Africa (TGCSA) further recommends the following:

- Arrange seating and tables as far from each other as possible with the aim to achieve 2-meter distance.
- Ensure that food and beverage teams are implementing regular and systematic cleaning and disinfection measures on all operating equipment and surfaces.

Q: What ports of entry are affected?

A: South Africa has 72 ports of entry – 53 of which are land ports of entry. Of these, 11 are airports and eight are seaports. These were evaluated individually, and it was decided that:

- None of the 11 airports are going to be interfered with. These will run as normal, but with heightened activity and vigilance by port health authorities and immigration officials.
- Of the seaports: six will be left as is, but also with heightened activity. Two – Saldanha Bay and Mossel Bay – will only allow cargo transactions. No passengers or crew embarkation or disembarkation will be allowed.
- Selection criteria for the 53 land ports of entry that will be closed were based on selecting those where there is no commercial activity or health facilities.
- Botswana has 17 ports of entry with South Africa. Five will remain operational
- Zimbabwe has one port of entry with South Africa which will remain open
- Mozambique has four ports of entry with South, of which only one will remain open.
- Lesotho has 14 ports of entry with South Africa, with only five remaining open

- eSwatini has 11 ports of entry with South Africa, with only five remaining open.
- Namibia has 6 points of entry with South Africa, of which only two will remain open.