



# NEHAWU

National Education Health & Allied Workers Union

## OFFICE OF THE SECRETARIAT

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**To:** The Minister of Health

**Att.:** Hon. Zweli Mkhize

**C/O:** Office of the State Attorney

**Date :** 30 March 2020

**Pages :** 2

**RE: NEHAWU obo MEMBERS / DEPARTMENT OF HEALTH NON COMPLIANCE WITH OCCUPATIONAL HEALTH & SAFETY ACT; 1993 (AS AMENDED) DURING COVID-19 DISASTER**

1. We refer to the subject matter.
2. NEHAWU appreciates and supports the declaration of the State of Disaster by President Cyril Ramaphosa in terms of the Disaster Management Act of 2002, as necessitated by the spread of the coronavirus in South Africa since the first notification of a positive case on the 5<sup>th</sup> March 2020. Indeed, we are in full support of all the necessary preventative measures, including the decision of the National Coronavirus Command Council to enforce a nation-wide 21 days lockdown that began on the midnight of the 26<sup>th</sup> March 2020.
3. In the wake of this public health emergency, amongst others we expected that government would use the Disaster Management Act in order to enable:
  - 3.1 An integrated and coordinated disaster management measures that focuses on preventing or reducing the risk, mitigate the severity of the disaster, undertake emergency preparedness, rapid and effecting response.
  - 3.2 Establish national, provincial and district disaster management centres.
  - 3.3 Mobilize the disaster management volunteers.
4. NEHAWU's registered scope of organising in the public sector comprises an array of highly exposed frontline workers, including doctors, nurses, cleaners, ambulance and morgue workers, etc.

5. We draw your attention to the fact that since the meeting of the Public Service Coordinating Bargaining Council (PSCBC) on the 17<sup>th</sup> March 2020, we have been proactively requesting from the employer access to government's emergency preparedness plan geared at preventing or reducing the risk, including measures to mitigate any danger related to our members' performance of their duties.
6. We have explicitly expressed our serious concerns with regard to the glaring weaknesses and inadequacies of the *Guidelines on the Management of the Coronavirus (COVID-19) in the Public Service*, as presented to us by the employer on the 17<sup>th</sup> March 2020 at the PSCBC. Indeed, we have since submitted our proposals in subsequent meetings, including the National Nerve Centre.
7. It is with shock and great disappointment that NEHAWU members as well as other workers alongside, are to date still highly exposed to occupational risk in which they are forced to work without the necessary Personal Protective Equipment as per clause 4.4 of the *Workplace Preparedness: COVID-19 Guidelines* of the Department of Employment & Labour at different workplaces across the country.
8. Kindly take notice further that the employer's conduct of exposing our members to occupational risk to their health and lives as stated hereinabove is a direct violation of Section 8 of the Occupational Health & Safety Act;1993 (OHSA), as well as the Guidelines and Regulations promulgated under the Disaster Management Act;2002.
9. On the conspectus of the above, NEHAWU demands the following:
  - 9.1 That the Minister exercises his powers in terms of the OHSA to prohibit the performance of those duties that endangers and/or risk the health and safety of NEHAWU member as aforementioned with immediate effect, up to until there has been full compliance with the Act, and, the Department of Labour Regulations and Guidelines on Covid-19.
  - 9.2 That our members be provided with Personal Protective Equipment, and, of the specifications stated in clause 4.4 of the abovementioned Guidelines immediately.
  - 9.3 The Minister to immediately attend to the areas of concerns and considerations communicated to him on WhatsApp from our General Secretary and emailed to the Chief of Staff of his Ministry: Ms. Sibusisiwe Ngubane on the 29<sup>th</sup> March 2020.
10. Kindly take notice that we demand compliance with our above demands within 2 days of the receipt of this letter of demand and/or an undertaking that such will be complied with by no later than 01<sup>st</sup> April 2020, failing which, we shall approach the High Court on an urgent basis seeking an interdict on behalf of our members against their unlawful and reckless exposure to occupational risk to their health and safety by the employer.
11. For clarities please contact the General Secretary, Cde. Zola Saphetha at 082 558 5968 or by email at [zola@nehawu.org.za](mailto:zola@nehawu.org.za) or the Deputy General Secretary, Cde. December Mavuso at 082 558 5969 or by email at [december@nehawu.org.za](mailto:december@nehawu.org.za).

Yours Comradely



----- 2020/03/30

Zola Saphetha  
General Secretary