

The EOHCB continuously strives to provide our Members with a full range of services relating to labour matters and endeavour to address the needs of our members with integrity, professionalism and sound business practice.

#### **IMPORTANT NOTICE:**

All EOHCB offices will be closed as of, 24 December 2020 and will only re-open on Monday, 04 January 2021.

We wish all our members a wonderful and safe festive season and a prosperous 2021.

### From the National Office of the EOHCB:

Dear EOHCB Member,

It is the festive season once again. The human species tend to go into reflective mode due to the imminent change of the year count, and having to symbolically part with the past year. Yet we have similar changes every month with birthdays, engagements and marriages etc. We just choose to approach them differently.

Let's learn from the past and apply our new knowledge and skills to deal with the future with confidence as 2020 definitely forced us to acquire, learn, ask for assistance and adapt.

The EOHCB wishes that our members may have joy and prosperity in their lives, their families and businesses. That they will manage to focus on the glass that is half full and that they will find balance and purpose and regenerate themselves for the new year to come.

The EOHCB will continue to serve and assist as if there was no change of the year count, as we pride ourselves in adding value to your business.

Be blessed!

Cobus Grobler (EOHCB National Manager)

#### **Labour Relations Support:**

The Unemployment Insurance Fund (UIF) has commenced (as of 1 December 2020) with the auditing of TERS payments made up to 15 October 2020. Employers who received payments from TERS are required to prepare the following:

- The UIF has appointed 7 forensic auditing companies to assist with the auditing of TERS payments received by employers. These auditors will be visiting the recipients and have requested that the following COVID TERS application pack be available and presented when visited for auditing:
  - (a) All documents / information provided to the UIF at the time of application for each lockdown period.
  - (b) Bank statements relating to COVID TERS application.
  - (c) Each employee Human Resources file.
  - (d) Payroll report from 01 January 2020 – July 2020.
  - (e) Proof of Payment to employees.
  - (f) Proof of any refunds to UIF.

#### **The above information is just minimum required documents.**

We also wish to address probable questions posed on a daily basis and various scenarios faced in the working environment with regards to the festive season and how COVID-19 may affect the employment relationship and commitments during the festive season.

#### **1. Can an employer force an employee to take annual leave during the festive season?**

An employer is entitled to stipulate that annual leave must be taken to coincide with company closures over the December period. If an employee has exhausted his/her annual leave during the course of the year, the December closure may be treated as unpaid leave.

#### **2. Can an employer cancel the traditional December leave period (annual shut down) to make up for lost days during the national lockdown?**

This is dependent on the company policy relating to an annual shut down and any contractual terms to this effect. The prospect of doing so is possible but may be subject to an agreement between the employer and the employee before implementing such cancellation.

#### **3. Is an employer obligated to agree to cancel an employee's annual leave on the basis that his/her pre-booked holiday has been cancelled due to COVID-19?**

No, unless specifically stated in terms of a contract of employment, company policy or a collective agreement. Even in the event where a cancellation is not due to COVID-19, the employer is under no obligation to agree

to the cancelation of annual leave applied for which has been approved.

**4. Is an employee entitled to unpaid leave for holiday purposes where he/she has exhausted his/her annual leave due to COVID-19 and the national lockdown?**

No, as unpaid leave is not an entitlement. Unpaid leave granting rest with the employer and should be considered when an employee's annual leave or sick leave has been exhausted and is needed to be taken in exceptional circumstances. An employee is not to demand that an employer approved unpaid leave for the festive season.

**5. How can an employer manage the potential abuse of sick leave over the festive season?**

An employee must produce the requisite medical certificate from a registered medical practitioner. Employers should send out communication to the entire workforce ahead of the festive season reminding employees that abuse of sick leave is an offense which may result in disciplinary action taken. The production of a fraudulent medical certificate is also a criminal offense.

**6. Is an employer obligated to require of an employee to self-quarantining or provide a negative test result after returning from a hotspot area over the festive season?**

No, an employer is not obligated to request of an employee to self-quarantine for 10-days or provide a negative test upon return from a hotspot before being permitted to return to work. Employers must inform employees of the identified hotspots as per the Disaster Management Act regulations. Currently, Nelson Mandela Bay has been identified as a COVID-19 hotspot. Employers are encouraged to monitor updates on the list of hotspots as contained in chapter 7 of the Disaster Management Act Regulations under Alert Level 1.

**7. What practical measures should an employer implement to mitigate the risk of an COVID-19 outbreak in the workplace during the festive season?**

- Send communication to all employees ahead of the festive season encouraging them to adhere to all health and safety protocols outside the working environment for the duration of the festive season.
- Remind employees throughout the festive season of the mandatory health and safety measures as required by government.

- Require of all employees who will be visiting hotspots as declared and published in the regulations during the festive season, to disclose such visitations to the employer or the human resources department or the COVID-19 compliance officer ahead of the commencement of annual leave.
- Ensure that all employees returning from annual leave after traveling to a hotspot area, provide either a negative COVID-19 test or observe the mandatory 10-day self-quarantining. Remember that an employee who can work from home during the 10-day period, must work from home and be remunerated for such work performed.
- Encourage all employees who display any symptoms of COVID-19 to remain at home and in serious cases, to submit themselves for testing.
- Maintain strict COVID-19 screening protocols and adhere to contact tracing requirements. The same should apply to members of the public. If a client is displaying any symptoms or upon screening the client to enter the working environment and symptoms are experienced, rather reschedule the appointment to mitigate any possible exposure in the workplace before the client even enter the establishment. Best to conduct all screenings outside if possible and remember that visitors are still prohibited and clients should be attended to through a booking system and wait outside the working environment before entering to be serviced. This is to avoid any congestion in a waiting area. All the personal care sector-specific protocols must be observed at all times. Ensure that all health and safety measures are strictly adhered to, as many employees or members of the public may be asymptomatic.

**8. Can an employer discipline an employee who fails to adhere to health and safety protocols outside the workplace?**

If an employer can prove that the conduct of an employee outside the workplace has damaged the employment relationship in some way, an employer is entitled to discipline an employee for his/her conduct outside the workplace. An employer must maintain a hygienic and safe working environment during and post the festive season and respect the privacy of an employee. Employers should encourage employees to adhere to government protocols outside of the

workplace and this should be strongly and continuously reiterated in communication with employees.

### Business Support:

#### **1. Plan for less or more income over the period:**

Both over-trading and under-trading can put a business under pressure. For example, offering discounts can be beneficial to businesses in terms of generating interest, increasing foot traffic and moving products but business owners need to be aware that these "retail discount holidays" can result in stock shortages for late December or January, and should take these specials into consideration when planning their buying strategies. With this in mind, businesses should also take into consideration that their suppliers may close over the festive season, so they may need to place their orders earlier than usual.

Apart from ensuring enough stock to support the business through the festive season, seasonal business owners should ensure they have enough staff to assist with the expected higher demand.

While non-seasonal businesses should ensure debts have been paid before the season begins and manage their budgets to cover a period of potentially slower business over December and January.

Festive season clients are mostly deemed browsing customers. They won't always know what they want until they enter your establishment and enquire about a service and/or product. Make sure that you cater for the browsers by providing them with a comprehensive service and retail menu and making it a visual and memorable experience.

#### **2. Communicate effectively with customers and generate excitement:**

As businesses are competing for customers with different needs, they should either communicate any festive season specials they are offering or communicate the dates that the business will be closed, as well as advertise the reopening of the business and perhaps offer reopening specials. Make use of online platforms to engage with clients and provide services via digital platforms if possible (click and collect or make and change appointments online). Make use of customer service reviews during the festive season to drive new business and services into 2021.

#### **3. Look after your employees:**

A business' employees should be one of its biggest assets. When it comes to the festive season, it is imperative for business owners to make their employees feel valued by thanking them for their hard work.

If the business is seasonal and busier over the festive season, business owners should consider offering their employees shift work if possible, hiring temps to help carry the added workload, as well as offer to buy meals and supply transport if they are working later hours. Seasonal businesses should also increase security during this time.

#### **4. Plan for downtime:**

Both seasonal and non-seasonal businesses experience downtime within the year and it is crucial for businesses to plan for this and make the most of it. Seasonal businesses can use extra profits made during the "high" season to pay back debts and reinvest in the business going into the new year, whereas non-seasonal business owners should use the downtime over the festive season to review their business plan, implement new strategies, catch up with admin, and manage any repairs or renovations which may need to take place.

### Social Wellbeing Support:

Dr Mosima Mabunda, Head of Wellness at Discovery Vitality says:

#### **Sleep**

Healthy sleep patterns are a fundamental part of living a healthy lifestyle. While the regular routine of life is interrupted right now, sleep is still as important to your health as good nutrition, regular exercise and other healthy habits.

Practice good "sleep hygiene" – a range of healthy sleep habits that promote both better sleep quality and duration.

The Centres for Disease Control and Prevention and American Psychiatric Association recommend the following hours of sleep for each age group:

- Adults (18 – 60 years): 7-9 hours
- Older adults (65+ years): 7 – 8 hours
- Teens (13 – 18 years): 8 – 10 hours per 24 hours
- Primary school (6 – 12 years): 9 – 10 hours per 24 hours

- Pre-school (3 – 5 years): 10 – 13 hours per 24 hours (including naps)
- Toddler (1 – 2 years): 11 – 14 hours per 24 hours (including naps)
- Infant (4 – 12 months): 12 – 16 hours per 24 hours (including naps)

It's no surprise that virtually all bodily systems are impacted by poor or inadequate sleep. Good sleep is a buffer against common infections and illnesses, against chronic illnesses, general stressors and mood disorders.

#### Healthy behaviours for excellent sleep

- Consistency is Wake up and go to sleep at the same time, both on weekdays and weekends, especially if you are working from home and have children to mind.
- Try to go to sleep when you are sleepy, and not when you are just
- Schedule sleep to allow for at least seven (or more) hours of
- Minimise excessive time spent in
- If you cannot fall asleep within 20 minutes, get out of bed and try again when you are feeling
- Once you've woken up from sleep, do not stay awake in bed for more than 10 minutes.
- Create a relaxing bed-time This can include relaxation techniques, like a warm bath, relaxing reading, progressive muscle relaxation, mindfulness practices, meditation, yoga and breathing techniques.

#### Resilience

Stress is the body's physical, mental or emotional response to some form of change. It's a normal part of life, and the human body is designed to experience and react to stress.

Without some level of stress humans would not thrive or succeed. But it can also be negative in its effect when we face intense and continuous stress which overwhelms the adaptive response. The antidote to stress is resilience, or your ability to bounce back from pain, hardship, failure.

We cannot always avoid stressful situations and, in fact, some forms of stress are good for us. Eustress is an adaptive and healthy experience of stress that may encourage personal growth, productivity and motivation.

There are opportunities during the COVID-19 pandemic which can assist with creating eustress. Now is the time

to work in a quiet space, focus and spend time doing things we enjoy, but don't always have or make time for.

Resilience can ease stress and improve wellbeing. We are not all born resilient. It is built in us. Building resilience takes practice, just like building and developing any muscle's strength and stamina.

Be patient and remember that slow and steady change may help to ease life's challenges in a sustainable way. Be intentional, be mindful, be proactive and ask for help in practising your resilience.

Start with small, manageable efforts towards changing your approach to the stressors in your life. Every person is unique. We face dynamic situations and have our own needs and preferences. Find the tools that you can integrate into your life to build resilience:

- Make a plan to deal with the issue or issues causing you to feel stressed, be they financial or related to the relationships in your life
- Know yourself – know your personal warning signs and triggers for
- Practice mindfulness and relaxation techniques to manage the effects of stress and increase your overall sense of wellbeing. These include:
  - Yoga
  - Deep breathing
  - Guided imagery
  - Meditation
- Exercise regularly
- Eat healthily
- Develop good sleeping habits and ensure your sleep quality and quantity are optimal
- Find a sense of purpose and Doing so gives context and hope, and also reflects that your life is about far more than the current situation you are facing.
- Set meaningful goals
- Ask for help. There is much support available when you reach out to:
  - Family
  - Friends
  - Your doctor, therapist or psychiatrist
  - Your employee wellness programme
- Practice this may improve your overall wellbeing, and help to relieve the effects of stress. You have control over how you engage with and manage your stressors.
- Learn and grow from your failing mindfully can be a powerful tool in your personal growth, and in building your ability to bounce back.

**Anxiety**

No matter how hard we try, some of us experience excessive, exaggerated anxiety and worry. You need to know that generalised anxiety disorder is a condition characterised by feelings of recurrent and prolonged anxiety that influence our ability to function at work, in studies, in relationships and in life in general.

This persistent anxiety is accompanied by a prolonging of the body's stress response, with a negative effect on our mental and physical health. Consult with your doctor or psychiatrist, virtually if you have to, to discuss methods of coping. While medicine can help to ease and reduce the symptoms, approaches like Cognitive Behavioural Therapy (CBT) are also available. This is a form of therapy that has evidence-based proof of success in the treatment of anxiety as it can give us cognitive and behavioural tools to help manage anxiety, regulate and reposition stress responses, thought patterns and behavioural responses.

**Depression**

Everyone experiences low moods to a greater or lesser extent. Feeling sad, down or blue can be a normal and appropriate response to the loss of a loved one, loss of employment and other challenging life events. These times of feeling down generally resolve and we move on. They are temporary feelings and part of our normal mood fluctuations and short-lived emotional responses to everyday challenges.

While feeling sad is an integral part of depression, it is not the same as depression. Depression is, in fact, a common mental health disorder that, globally, is experienced by more than 264 million people of all ages.

It's important that we are able to recognise the difference between sad emotions and a depression so that we can process both in a healthy way.

Signs and symptoms of depression?

- Depression is defined by intense feelings of despair and hopelessness, and feeling continuously burdened by.
- People who are depressed may experience depressive symptoms differently to one another.

Their experience of depression may include:

- A heightened sense of emptiness
- Intense anger
- Prolonged sadness, perhaps with unexplained crying
- Feelings of worthlessness or inappropriate guilt

- Ongoing irritability
- Obsessive thoughts
- A loss of interest in daily activities
- Significant changes in appetite or weight
- Feeling pessimistic and indifferent
- A loss of energy and persistent lethargy
- Changes in sleep quality and sleep patterns
- Self-loathing or reckless behaviour
- Concentration problems and indecisiveness
- Slowed thoughts
- Recurring thoughts of death and suicide
- Unexplained aches and pains
- Reduced physical movement
- Both moderate and severe depression can be a serious health problem.
- Depression changes how we think, feel and function in our daily activities and can affect our ability to work and study, to eat healthily or to sleep well and to enjoy it. It can make getting through the day feel overwhelming.

We encourage you to speak to people who you trust and to be proactive in getting support. Contact your doctor, psychologist or psychiatrist for support if you, or a family member or friend or colleague, if you are concerned that you may have depression.

There are medical and psychological interventions which can assist people who are depressed. First, this must be diagnosed by a healthcare professional. "Mindfulness practices (for mild symptoms of depression) that promote being fully present in the moment and integrate that awareness into everyday life. Journaling, to clear the mind and better understand thoughts and feelings. And there are a range of apps, like Calm and Headspace.

In this trying time, please reach out to support groups like SADAG (South African Depression and Anxiety Group). It is a non-profit organisation that can give support for various challenges. They offer support groups as well as free telephonic counselling 24 hours a day, 7 days a week.

For counselling queries e-mail: [zane@sadag.org](mailto:zane@sadag.org)  
To contact a counsellor between 8am-8pm Monday to Sunday,  
Call: **011 234 4837** / Fax number: **011 234 8182**  
For a suicidal Emergency contact us on **0800 567 567**  
24hr Helpline **0800 456 789**

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## THE JOURNAL

2020 FESTIVE  
SEASON GREETINGS

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