Western Cape Government
Agriculture
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FREQUENTLY ASKED QUESTIONS (FAQ): Covid-19 in Agriculture

Western Cape Department of Agriculture

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FREQUENTLY ASKED QUESTIONS

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FREQUENTLY ASKED QUESTIONS

1. GENERAL AND FOOD SECURITY

1.1. What does the lockdown mean for our sector?

In his address of 23 March 2020, the President announced that it was decided to "…enforce a nation-wide lockdown for 21 days with effect from midnight on Thursday 26 March…". However, during this same speech President Ramaphosa also announced a number of categories of people whom will be exempted from this lockdown. These exempted people includes "…those involved in the production, distribution and supply of food and basic goods…" The full list of people is to be published, but it is expected to include farmers, agri workers, agri processors (canners, abattoirs, processors, packers, etc.), agri processing workers, people involved in the logistics of food, food wholesalers as well as retailers.

The recognition of the important role the Agricultural Sector, as well as its forward and backwards linkages, is an important moment for the Agricultural Sector. However, this recognition also comes with responsibility and it is up to all people involved in the food value chain to accept this responsibility, to continue food production and to keep themselves from contamination.

1.2. What does it mean for those who are harvesting at the moment?

As explained above, the food value chain has been exempted from the lockdown and the South African society is relying on harvesting to continue. Hence, nothing prevents people involved in the harvesting process to continue with their important work. However, it is also expected from those involved to continue with basic preventative measures such as washing your hands, social distancing, not gathering in large groups, etc.

In the case of alcoholic or non-food businesses, the harvest is allowed to continue under certain conditions (see 5.2 and 5.3).

1.3. What does it mean for food security?

South Africa is a surplus producer of food and even at a global level the world production of agricultural commodities were at record highs over the past few years. The result is that global stocks are high. Furthermore, large parts of South Africa experienced good summer rainfalls and a bumper crop of 15,5 million tons of maize (the 2nd largest maize crop in history) is expected to be harvested this season (harvesting season to start in April). In the winter rainfall area the harvest of table grapes and stone fruit (e.g. peaches and nectarines) are coming to an end with the apple, pear and citrus harvesting seasons soon to start. Volumes of vegetables are also adequate and South Africa became a net exporter of beef a few years ago.

It follows that empty shelves recently seen in supermarkets is not as a result of a lack of the availability of food, but rather as the result of panic buying which led to temporary shortages of particular products in specific supermarkets. These products will be replenished via stocks available in the various food value chains.

1.4. What will the impact be on food distribution?

It is important to note that, although ports and airports around the globe was closed to humans, these gateways into countries has remained open for food and agricultural products. It follows that nothing will prevent continuous trading in imported food commodities. Furthermore, sufficient stocks of food is available at international and local level and harvesting will continue. At the domestic level the President has announced that "…those involved in the production, distribution and supply of food and basic goods…" has been exempted from the lockdown, with the result that no serious impact on the food distribution is expected.

2. PERMITS

2.1. Do I (or my truck driver) need a permit to travel in order to pick up farming inputs or to take agricultural products to the market/depot/distribution centre?

Transport of food as well as other logistical operations pertaining to food are exempted from the shutdown. The Chief Executive Officer (or equivalent – e.g. a farm-owner / manager) is allowed the issue the travel permit.

Please note that a prescribed form needs to be completed. This form can be found as Annexure C of Regulation 398 of 2020 or downloaded from the Department's website at http://www.elsenburg.com/content/permit-perform-essential-services-download-here.

2.2. Where can I obtain permits for my workers?

The Chief Executive Officer (or equivalent – e.g. a farmer) is allowed to duly designate in writing people whom are required to conduct essential services (i.e. issue a "permit"). Please note that must be duly stamped with the official stamp of your business or, in lieu of a stamp, attach a copy of your own stamped permit.

However, please note that it is expected of the head of institution (farmer) to "…determine essential services to be performed by his or her institution, and must determine the essential staff who will perform those functions…". Only the essential staff are allowed to receive permits. It is recommended that this process of identifying essential services and staff is written down and that it will be kept on record for scrutiny.

Note that a prescribed form needs to be completed. This form can be found as Annexure C of Regulation 398 of 2020 or downloaded from the Department's website at http://www.elsenburg.com/content/permit-perform-essential-services-download-here.

2.3. I am a farmer. Where can I obtain a permit for myself?

A farmer may issue a permit to essential workers, but is not allowed to issue a permit to him or herself. You could approach your farmers federation (e.g. Agri West Cape, AFASA, etc.), industry association (e.g. Hortgro, Vinpro, etc.) or you could approach the Western Cape Department of Agriculture (if you are living in the Western Cape) by sending an e-mail to info@elsenburg.com for the procedure to follow. Note that, if you follow the latter route, you will have to collect the permit at the nearest district office of the Department.

2.4. My business supply inputs to the Agricultural Sector, process farm products or distribute food and non-alcoholic beverages Where can I obtain a permit for myself?

A business can register on the website of DTI by follow the link to: http://bizportal.gov.za. This can be done on-line and the registration certificate could be downloaded.

The Chief Executive Officer (or equivalent – e.g. a Managing Director) is allowed to duly designate in writing people whom are required to conduct essential services (i.e. issue a "permit").

However, please note that it is expected of the head of institution to "…determine essential services to be performed by his or her institution, and must determine the essential staff who will perform those functions…". Only the essential staff are allowed to receive permits. It is recommended that this process of identifying essential services and staff is written down and that it will be kept on record for scrutiny.

3. AGRI WORKERS

3.1. A significant number of my workers live off-farm. Am I allowed to transport my workers to and from my farm during the lockdown? Are there any special terms and conditions?

All forms of public transport (taxis, metered taxis, busses, uber, etc.) has been prohibited, with the exception of public transport for people rendering essential services. However, the regulation determines that the employer must make the necessary transport arrangements for people rendering essential services to reach their destination. Hence, the farmer can either arrange with a taxi to pick up his/her workers, or could provide own transport.

Note that the regulation stipulates that:

a) No more than 50% of the licensed capacity of the public vehicle is exceeded.
b) No more than 60% of the capacity of private vehicles are exceeded.
c) All directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to.
d) All employees must be in possession of a permit (see 2.2).
e) Public transport vehicles must be sanitised before picking up and after dropping off passengers.
f) All drivers and marshals must wear masks.

Important to note that public transport is only allowed to operate between 05:00 and 09:00 in the morning and 16:00 to 20:00 in the afternoon. This restriction is not applicable to private transport.

3.2. I am a labour broker providing seasonal workers to a number of farms. Am I exempted from the lockdown?

Labour brokers providing essential labour to goods and services listed in Annexure B of R 398 (as amended by 419) may continue with this service. However, it is up to the labour broker to ensure that the necessary Covid-19 hygiene and sanitary measures are in place and that all employees are in possession of a permit (see 2.2). In this instance the labour broker is allowed to issue the permits (see 2.3).

3.3. Must farm workers work or are they part of the lockdown?

The production and sale of any food product (including non-alcoholic beverages), are considered essential services to which farm workers contributes. It follows that farm workers are exempt from the lockdown. Please remember that all persons performing essential services needs a permit (see 2.2)

However, it is expected of the head of the institution (i.e. the farmer) to determine which essential services needs to be performed to produce food as well as whom are

the essential staff performing the necessary functions. It follows that non-essential actions should be stopped and the relevant workers should go into lockdown.

3.4. I am an agri worker. May employees be forced to take annual/unpaid leave during the lockdown if they are not considered to be essential staff? May employers refuse to pay employees?

While government has encouraged all businesses to continue to pay their employees/ workers, who may be stuck at home and won't be able to work during this time, many companies can't afford this and are considering other options.

The options for the employees during the period are as follows:

a) Annual leave, or
b) Temporary Lay-off; or
c) Unpaid leave until the lockdown comes to an end. (This is not an option one wants to consider as it will mean the worker/ employee will be without an income/ salary/ age for the lockdown period)

It is the prerogative of the employer to inform the employees that they need to take leave as currently there is no work. This is similar to indicating that annual leave (aka holiday leave) is during off time and not the busy harvest time.

The employer can indicate to employees to take annual leave for purposes of adhering to the lockdown regulations. Employees won't be allowed to work during the lockdown period of three weeks, which starts on Thursday midnight. This is if the service or duties they perform are not categorised as essential services.

If an employee has leave available, this would be the first and best option to use employees' leave allocation until it is depleted." This will ensure workers receive a wage/ salary.

Employers may consider other options to ease their cash flow during this time, including staggering wage payments. Another option would be reduced wages. The guideline on the Temporary Employer/ Employee Relief Scheme, which could assist struggling companies, is available on request. This includes contactable details of Department of Labour.

A relatively new option will be a temporary lay-off, whereby you will still officially be in the employment of a company. You will be able to claim money from the Unemployment Insurance Fund (UIF), but it won't be your full salary. A booklet/ easy guide on this matter and the processes to be followed is available on request.

The UIF normally doesn't pay out money quickly, there are stringent processes and there is uncertainty whether the local offices will be operational. With severe impact currently on businesses, it is expected that Labour/ UIF will be flooded with huge

volumes of claims during this time. Therefore clarity will be required as to how payments by Labour will happen during the lockdown.

On Tuesday 24 March 2020 Minister of Employment and Labour, Mr Thulas Nxesi, confirmed that companies may do pay outs directly to staff, and then claim it back from the UIF.

For further information please visit www.labour.gov.za
Or contact your Labour Centre or the details provided in the attached guides.

4. MARKETING MY PRODUCTS

4.1. May I continue to deliver my products to the local market/depot/distribution centre during the lockdown period?

Yes, any activity pertaining to production, logistics, transport, delivery and sales of food and non-alcoholic beverages are allowed. Please note that the driver needs a permit (see 2.2)

4.2. Do I need a travel permit to deliver my products to the market?

Yes. See 2.3 and 2.2.

4.3. I sell farm products to informal traders. Am I allowed to continue with this practice during the lockdown period?

Grocery stores and spaza shops are exempted from the lockdown. However, flea markets, restaurants, open air food markets, fêtes and bazaars are prohibited. Hence, it will not be allowed to provide food to them.

4.4. I am a wine farmer. May I sell my wine?

No. The transport and sales of all alcoholic beverages is prohibited. This includes on-site, off-site or export sales.

5. RUNNING MY FARMING BUSINESS

5.1. Am I allowed to continue with normal farming practices (e.g. irrigating my crops, milking my cows, preparing my fields for the planting season)?

As food and non-alcoholic beverages are considered to be essential goods, its production and sale is exempted from the lockdown. However, it is expected of the farmer to identify essential services which are critical as well as the necessary staff to perform these functions. The rest of the operation and farm workers needs to go into lockdown.

Please remember that all directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to and that the necessary permits needs to be obtained (see 2).

5.2. I am a wine farmer with a cellar. As only the production of food and non-alcoholic beverages are exempt, may I continue to complete my harvest and continue with the necessary cellar processes?

Yes. Although the production and sale of alcoholic products is not included as an essential good in Annexure B of Regulation 398, this regulation has been amended to include paragraph 31 which allows for the "Harvesting and storage activities essential to prevent the wastage of primary agricultural goods". This implies that a wine farmer would be allowed to complete the harvest and also to continue with the necessary cellar processes.

However, please note that the purpose is to prevent wastage. Hence, it is expected that a gradual slowdown of activities will ensue as the wines stabilises with only occasional attention required at a later stage.

Note that all requirements pertaining to permits and directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to.

5.3. I am involved in a farming business which could be classified as non-essential (e.g. producing fynbos flowers). Am I exempted from the lockdown?

No. Only the production of food products, non-alcoholic beverages, animal food, and ancillary products used in the production of any food product are exempted from the lockdown.

However, Annexure B of Regulation 398, has been amended to include paragraph 31 which allows for the "Harvesting and storage activities essential to prevent the wastage of primary agricultural goods". This implies that a farmer would be allowed

to complete the harvest and also to continue with the necessary post-harvest processes.

However, please note that the purpose is to prevent wastage. Hence, it is expected that a gradual slowdown of activities will ensue as the harvest winds down.

Note that all requirements pertaining to permits and directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to.

5.4. I have a smallholding with some live animals a distance from where I live. Am I allowed to travel to the smallholding to feed, water and tend to them on a daily basis?

The production and sale of food products and non-alcoholic beverages are considered to be essential goods and are exempted from the lockdown. So are all services pertaining to the production and sale of food and non-alcoholic beverages.

Paragraph 12 of Part B of Annexure B ("Wildlife Management, Anti-poaching, Animal Care and Veterinary services") of Regulation 398 exempts people from the lockdown. We presume that this will allow people to tend to non-food animals such as horses, dog kennels, petting farms, etc.

However, a permit needs to be obtained (see 2.3). Please note that movement between provinces as well as between metropolitan and district areas will be prohibited.

6. PROVIDING INPUTS AND SUPPORT SERVICES TO FARMERS

6.1. My business supply direct inputs to the Agricultural Sector (e.g. fertilizer, seed, chemicals, fertilizer, etc.). Is my business exempted from the lockdown

Essential services include production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment is allowed.

However, it is expected of the head of the business to identify essential services which are critical as well as the necessary staff to perform these functions. The rest of the operation and farm workers needs to go into lockdown. Please remember that all directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to. Furthermore, the necessary permits needs to be obtained (see 2.2 and 2.3).

6.2. My business supply seedlings to farmers. Is my business exempted from the lockdown?

The provision of essential services for the production and sale of food and non-alcoholic beverages is allowed.

However, it is expected of the head of the business to identify essential services which are critical as well as the necessary staff to perform these functions. The rest of the operation and farm workers needs to go into lockdown. Please remember that all directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to. Furthermore, the necessary permits needs to be obtained (see 2.2 and 2.3).

6.3. My business supply direct services to the Agricultural Sector (e.g. maintenance of tractors, maintenance of irrigation equipment, maintenance of wine processing machines). Is my business exempted from the lockdown

Essential services include production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment is allowed.

Note that alcoholic beverages are not considered an essential good, with the result that the maintenance of wine production equipment will not be exempted from the lockdown. However, wine producers are allowed the following: "Harvesting and storage activities essential to prevent the wastage of primary agricultural goods". This implies that a wine farmer would be allowed to complete the harvest and also to continue with the necessary cellar processes. Within this context we are of the opinion that essential maintenance interventions are allowed.

However, it is expected of the head of the business to identify essential services which are critical as well as the necessary staff to perform these functions. The rest of the operation and farm workers needs to go into lockdown. Please remember that all directions in respect of hygienic conditions and the limitation of exposure to persons with Covid-19 must be adhered to. Furthermore, the necessary permits needs to be obtained (see 2.2 and 2.3).

6.4. I am busy with contract work on farm (e.g. repairing an irrigation canal, fixing the feeding system on a piggery, planting fruit trees on farm, etc.). Without this maintenance the farm will not be able to continue to operate. Am I exempted from the lockdown and will I be allowed to continue with my business?

Essential services include production, manufacturing, supply, logistics, transport, delivery, critical maintenance and repair in relation to the rendering of essential services including components and equipment is allowed. Also allowed is critical maintenance services which cannot be delayed for more than 21 days and are essential to resume operations after the lockdown.

6.5. I am running my business from my house and can render all services without leaving my house (e.g. via telephone, the internet, social media, etc.). May I continue my business?

Yes. Section 3(a) of Regulation 419 allows the situation where "…operations are provided from outside of the Republic or can be provided remotely by a person from their normal place of residence".

7. VETERINARY SERVICES AND ANIMAL HEALTH

7.1. Are private veterinary clinics to close down or are they exempted from the lockdown?

Animal care and veterinary services are considered to be essential. For this reason it is exempted from the lockdown.

7.2. Are pet food stores to close down or are they exempted from the lockdown?

Animal food is considered to be an essential good. For this reason its production and sale is allowed.

7.3. I am a farrier and need to fit new horseshoes. Am I exempted from the lockdown?

Animal care services is allowed.

7.4. Will government continue to provide important services to the Agricultural Sector (e.g. Export certificates for animals, abattoir inspections, etc.)?

Yes. Special arrangements has been made for government to continue providing essential services. Visit http://www.elsenburg.com/content/important-contact-information for contact details.