

A position paper regarding business lockdown regulations in South Africa during the COVID-19 epidemic

Chief Sponsor: ETM Analytics – Financial market and economic intelligence specialists

Amending lockdown: request for a risk-based approach

This is a proposal for urgent changes to lockdown regulations in South Africa, in the interest of sustainable management of the COVID-19 situation. It identifies general principles that should allow all companies to reopen their doors while limiting risky operations, instead of trying to reopen sector-by-sector and thousands of businesses on a case-by-case basis. The latter would be a regulatory nightmare with harmful economic consequences, but without health benefits. A better way must be found.

Since:

1. We are committed to ensuring public well-being and respect for law and order.
2. Our society risks catastrophe if businesses – from the smallest to the largest – cannot find ways to provide the material basis on which public health and well-being rests.
3. All goods and services deemed “essential” depend on supply, support services, scale, and revenues that in turn, depend on trade with businesses currently deemed “non-essential”.
4. The distinctions between “essential” and “non-essential” businesses are practically impossible to understand and abide by for owners, managers, staff, law enforcement, and the public.
5. Many currently prohibited businesses deemed “non-essential” can safely be opened, while some businesses now declared “essential” may need to diminish operational health risks further.

We request the urgent consideration of the government of the following proposals for an amended regulatory framework under the present State of Disaster:

- a. **Replace** the current **essential services approach** (which prohibits activity except where deemed essential) with a **risk-based approach** (which allows all activities except those specifically identified as risky)
 - i. **Repeal** regulations that list **essential** and prohibit **non-essential businesses**.
 - ii. **Promulgate** where necessary **regulations limiting** specifically defined business **operations and activities deemed too risky for the spread of COVID-19**, rather than prohibiting businesses, end-products, services, or transactions themselves.
- b. **Allow companies to innovate for safe operations** and **request them to introduce health measures** on a case-by-case basis.
- c. **Declare that no business requires essential services certification or any other special licensing** from the CIPC, municipalities, or any other authority, given that all businesses would, in any case, be bound by the COVID-19 risk limitation regulations.
- d. **Instruct law-enforcement to not interfere with business activities unless there is a prima facie case that specific** business activities amount to a contravention of the limitations to **business operations** deemed risky, subject to standard law-enforcement procedures and review in a court of law.

We foresee that a regulatory framework such as the above would greatly simplify compliance and law-enforcement, and at the same time allow businesses room to innovate for safe production, sales and employment. It will do much to prevent economic collapse, social instability and destitution in South Africa and the greater Southern African region while allowing on-going vigilance toward COVID-19.

This position statement is supported by various organisations who wish to see good health and economic outcomes for South Africa ([see website for details](#)).