



MINDE SCHAPIRO & SMITH

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Our Ref: DEM16/0710/ELZANNE JONKER/ks | **Your Ref:** | **Date:** 1 June 2020

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Per email: MathoM@cogta.gov.za ; CarolineM@cogta.gov.za;
MandisaMB@cogta.gov.za

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Per email: Robert@presidency.gov.za

URGENT

Dear Minister,

PERSONAL CARE SERVICES INDUSTRY UNDER LEVEL 3

1. We act on behalf of the Democratic Alliance.
2. We refer to the Amended Regulations issued by you in terms of section 27(2) of the Disaster Management Act 57 of 2002 in Government Gazette No. 43364 on 28 May 2020 (the Amended Regulations have no Notice Number).
3. In terms of Item 7 of Table 2 in the Amended Regulations:
 - 3.1. Work in “[p]ersonal care services, including hairdressing, beauty treatments, make-up and nails salons [sic] and piercing and tattoo parlours” is listed as a specific economic exclusion and may therefore not be undertaken;
 - 3.2. However, an exception is made for “those categories of services identified in directions by the relevant Cabinet member, in consultation with the Cabinet member responsible for health, as safe to resume, under specified conditions.”
4. It is unclear from the Amended Regulations and the Regulations issued by you in Government Gazette 43258 in GNR. 480 of 29 April 2020 who the “relevant Cabinet member” is for the purposes of issuing these directions.

Minde Schapiro & Smith Incorporated | Attorneys Notaries & Conveyancers since 1926 | Registration number 2010/025182/21

Directors: Heinrich Crous BA LLB | Elzanne Jonker BA LLB | *Jonathan Rubin B Comm LLB LLM | Venesen Reddy LLB

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5. The continued prevention of the Personal Care Services industry from being able to return to work under Level 3 is irrational, arbitrary and unlawful:
 - 5.1. The industry employs hundreds of thousands of people across South Africa of all demographics – there are over 100 000 registered salons and a similar number of unregistered salons;
 - 5.2. These employees and businesses are suffering undue hardship as they have been – and continue to be – prevented from earning a living by the Regulations;
 - 5.3. In terms of the Amended Regulations, employees and businesses in other industries are permitted to return to work, and religious institutions are allowed to reopen for limited gatherings, as long as hygiene protocols are observed;
 - 5.4. The industry is one which has always adopted proper hygiene measures and practices; and
 - 5.5. Businesses in the industry are: able to comply with sanitation protocols; have the ability to track and trace any client or employee who may have come into contact with anyone infected by Covid-19; and are able to adopt social distancing measures to prevent the spread of the disease amongst clients and employees.

6. We require the following information by no later than **14h00 on Wednesday, 3 June 2020**:
 - 6.1. Which Cabinet Member is responsible for issuing the directions in terms of Item 7 in Table 2;
 - 6.2. Whether a determination has been that it is currently not “safe” for the industry “to resume” work and, if so, who made such determination, when was it made, and what the reasons for making such determination are;
 - 6.3. What criteria will be used by the relevant Minister for determining whether it is “safe to resume” work in the industry;
 - 6.4. Why the criteria which apply to religious gatherings under Level 3 are not applicable to the Personal Care Services industry; and

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- 6.5. Whether any directions as contemplated by Item 7 in Table 2 will be issued and, if so, what conditions and restrictions will be placed on the Personal Care Services industry by such directions?
7. Should we not receive a response, our client will urgently approach the High Court for appropriate relief. Our client reserves the right to expand on and supplement the grounds for why the exclusion is unlawful.

Yours faithfully

MINDE SCHAPIRO & SMITH INC.

Per (Electronically sent, therefore unsigned)

CC: The President of the Republic of South Africa
Per email: robert@presidency.gov.za

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