

Wednesday, April 29, 2020

Operating an Essential Service Call Centre_ Regulatory Requirements

Background

The spread of the COVID-19 virus in call centres is of concern to the relevant authorities. Regulations 10 (1)(a) and 10(6)(b) authorise the Ministers to issue directions to address, prevent and combat the spread of COVID19.

The **Directions** (OPERATION OF ESSENTIAL BUSINESSES DURING COVID-19 LOCKDOWN: CALL CENTRES) have been published by both the Minister of Health and the Minister of Trade, Industry and Competition in terms of regulations 10(1)(a), 10(6)(b) and 11B(4A)(b) of the Regulations Issued in Terms of Section 27(2) of the Disaster Management Act, 2002 (GNR 318, dated 18 March 2020, as amended).

The purpose of these Directions is to clarify the extent, and the conditions upon which, call centres may operate during the lockdown.

What essential services can be delivered through call centres?

In terms of the Regulations various services were identified as "essential services", as the term is defined in the Regulation with reference to annexure B to the Regulations. The services included in the Regulations are described broadly and are arguably intended to be broadly construed in order for the services in question and industries concerned to continue operating efficiently and without interruption or undue hindrance or obstruction – hence the categorisation of essential in the Regulations.

The provision of a call centre is critical to certain of the essential services as, without the necessary telecommunications and digital support, certain of the essential services identified could simply not be delivered comprehensively or at all.

The Regulations cater specifically for essential service delivery through call centres in the following sections:

- Item B. 13 Essential Services Annexure B - Part B
 - Newspaper, broadcasting and telecommunication infrastructure and services, including call centres critical for the support of such services.
- Item B. 30 of Annexure B to the Regulations
 - Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income.

Given the broad application of these items, BPESA mapped the above two items to the list of essential services in Annexure B, part B and has provided examples of the use of call centres in each case – refer to (Appendix One) to this FAQ document.

What is the Verification and Reporting Process for Operating Essential Service Call Centre?

Section 5.4 of the call centre Directions requires that the CEO or his or her designate (of a call centre providing essential services) must report in writing on a weekly basis to BPESA.

The exception to this requirement was clarified by the Prudential Authority (PA) and Financial Sector Conduct Authority (FSCA) who jointly published a guidance note on the 19th April 2020 which clarified that:

- All call centres of banks, insurers or any financial service regulated by the PA and FSCA will fall under their guidance note and do not need to report to BPESA as per the call centre Directions or comply with the H&S requirements in these directions as they already have their own that they comply with.
- The DTI joint directive for call centres applies to all other call centres and does not apply to financial services (except where the call centre belongs to a retailer or services a global company).
 - Retailers, registered with the FSCA, would therefore have to comply with the call centre regulations in full, including reporting to BPESA – even though they are registered FSPs with the FSCA – they are the exception.
 - All companies not registered with the FSCA, who provide essential services in the financial services space will have to report to BPESA as per the directions and comply with the H&S requirements contained therein.
 - Where a FSCA registered company operating a call centre shares premises with an international essential services provider, or Retailer, or 3rd party provider that must comply with the call centre directions, they too will have to comply with those directions in full – adopting the more onerous standard (as referred to in the guidance note.)

Verification process

Should an organisation be delivering an essential service via their call centre and is applying for an approval letter from BPESA's adjudication committee, documents need to be submitted to BPESA for verification.

- A full description of the service being offered / campaign being run. This includes the delivery location, operating hours, and number of staff per shift etc.
- A signed letter from the client verifying that the services is indeed categorized as an essential service in South Africa or in the international market in which it is being rendered. This needs to be on the client's company letterhead and signed by someone duly representative of the client.
- A signed copy of the latest Industry [Health, Safety and Operational Protocols Document](#).
- A copy of the CIPC certificate.
- CEO Declaration letter: a signed declaration addressed to the Minister of the Department of Trade, Industry and Competition on a pre-set template.

An adjudication panel reviews the submission and verifies, based on documentation presented, that it reasonably meets the criteria of an essential service. Upon successful adjudication, BPESA submits the signed CEO declaration to the office of the Minister of Trade Industry and Competition and issues the CEO of the company with a document pack, verifying that the services identified are correctly categorised as essential services and that the company has undertaken to deliver these in compliance with the regulations, directions and the sector Health and Safety Standards.

Reporting process

All Essential Service call centres are mandated by the regulations 10(1)(a), 10(6)(b) and 11B(4A)(b) of the Regulations Issued in Terms of Section 27(2) of the Disaster Management Act, 2002 (GNR 318, dated 18 March 2020, as amended) to report weekly to BPESA; the exception being those call centres that are registered with the FSCA as described in this document.

BPESA circulates a Reporting link on a Thursday morning and the report needs to be updated by 15h30 of the same day.

Information is consolidated and reported to the Ministers of Health and Trade, Industry and Competition on Friday.

How will monitoring and reporting on compliance to the regulations and directions be managed?

The CEO of each company delivering essential services through a call centre is to self-regulate in accordance with the gazetted regulations and directions. Where law enforcement agencies identify verifiable non-compliance, the CEO of that company will be accountable as per the regulations.

BPESA reserves the right to monitor the compliance to regulations of each company participating in this process via BPESA. In such cases, and where BPESA identifies verifiable non-compliance it will report this to the Ministers of Health and Trade, Industry and Competition.

Who is BPESA?

BPESA is a not-for-profit company that serves as the industry body and trade association for Global Business Services in South Africa serving the international and domestic markets. For further information go to www.bpesa.org.za

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Appendix One – List of essential services delivered through call centres

Essential Services contained in Part B of Annexure B of the COVID19 Regulations -	Call centre inclusion	Mapping to Regulations
<p>B1 Medical, Health (including Mental Health), Laboratory and Medical services and the National Institute for Communicable Diseases.</p>	<p>This includes call centres providing health help lines, hospital registrations and other such support, and hospital and patient record keeping.</p>	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service</p>
<p>B2 Disaster Management, Fire Prevention, Fire Fighting and Emergency services.</p>	<p>Emergency response services (private and public) including air rescue, evacuations, repatriations, roadside assistance, and other forms of emergency service provided physically but also enabled / supported through call centres.</p>	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>
<p>B3.1 The following services, with the specific exclusion of debt collection services, necessary to maintain the functioning of a financial system as defined in section 1(1) of the Financial Sector Regulation Act, only when the operation of a place of business or entity is necessary to continue to perform those services:</p> <ol style="list-style-type: none"> i. the banking environment (including the operations of mutual banks, cooperative banks, co-operative financial institutions, and the Postbank). ii. the payments environment. iii. the financial markets (including market infrastructures licensed under the Financial Markets Act, 2012 (Act No. 19 of 2012). iv. the insurance environment. v. the savings and investment environment. 	<p>This includes call centres servicing the financial services industry covering–</p> <ul style="list-style-type: none"> • all financial services, excluding debt collection, but including customer account support services and early day collections, to ensure liquidity in the financial system. • banks. • financial markets, including the JSE. • insurance, pension fund & medical scheme administrators, including those provided through companies or trade unions. • short-term insurers. • long-term insurers. • insurance claim offices. • burial fund administrators. • national payments system. • credit providers. • financial intermediaries, including brokers and agents. • foreign exchange. 	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>

	<ul style="list-style-type: none"> vi. pension fund administration. vii. outsourced administration. viii. medical schemes administration; and ix. additional services designated in terms of regulation 11B(4A) (c)(i). 	<ul style="list-style-type: none"> • third-party service providers to the above; and • Regulatory services. 	
B4	Production and sale of the goods listed as essential goods in the Regulations.	This includes order management and logistics support through call centres.	Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support , government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.
B6	Electricity (including vital demand management services), water gas and fuel production, supply, and maintenance.	This includes call centres for the procurement of electricity, queries and support relating to supply of electricity and fault management.	Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support , government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.
B7	Critical jobs for essential government services as determined by Head of National or Provincial Departments in accordance with the guidance of the Department of Public Service and Administration, including Social Grant Payments and pension payments.	This includes call centres providing these government services.	Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support , government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.
B11	Funeral and cremation services, including mortuaries services and the transportation of mortal remains.	This includes call centres for funeral plans and burial services.	Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health , safety, social support , government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.
B13	Newspaper, broadcasting and telecommunication infrastructure	This includes–	Item B. 13 of Annexure B to the Regulations provides that call

<p>and services, including call centres critical for the support of such services.</p>	<ul style="list-style-type: none"> • electronic network services (services necessary to establish and maintain connectivity, internet service providers, data centres, fibre optic, technology, computing and business, infrastructure, cybersecurity). • businesses which establish, maintain and repair telephone wires, cell phone network infrastructure, towers and antennae cables, undersea cables, satellites and mobile technology networks. • electronic network service providers (mobile and internet services), including mobile network operators (i.e. cell phone companies). • broadcasting (television, radio). • call centres which support telecommunication and ICT services, broadcasting, and newspapers; and • the manufacture, supply, and installation of all communication devices such as laptops, tablets, desktops, cell phones and SIM cards. 	<p>centres critical for the support of Newspaper, broadcasting and telecommunication infrastructure and services, are an essential service.</p>
<p>B15 Cleaning, sanitation, pest control, sewerage, waste and refuse removal services.</p>	<p>This includes call centre services for water, waste and refuse supply related queries and fault management.</p>	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>
<p>B21 Air-traffic Navigation, Civil Aviation Authority, air charters, Cargo Shipping, and dockyard services.</p>	<p>This includes call centre support for air charters for COVID related work.</p>	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>
<p>B24 Production, manufacturing, supply, logistics, transport, delivery, critical maintenance, and repair in relation to the rendering</p>	<p>This includes the coordination of supply chain logistics through call centres.</p>	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support,</p>

<p>of essential services including components and equipment.</p>		<p>government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>
<p>B30 Call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income.</p>	<p>This includes call centres providing all types of essential services to foreign countries, provided that with regard to debt restructuring this is strictly limited to retail store credit and incoming calls from consumers.</p>	<p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>
<p>B36 Information and Communication Technology Services rendered to entities and institutions engaged in delivering essential services in terms of these Regulations.</p>	<p>This includes call centres providing customer and technical help desk support services.</p>	<p>Item B. 13 of Annexure B to the Regulations provides that call centres critical for the support of Newspaper, broadcasting and telecommunication infrastructure and services, are an essential service; and</p> <p>Item B. 30 of Annexure B to the Regulations provides that call centres necessary to provide health, safety, social support, government and financial services, debt restructuring for consumers of retailers, and access to short-term insurance policies as a result of reduced income or loss of income are an essential service.</p>