

# RETURN TO WORK DURING COVID19

14 May 2020 | South Africa



BUSINESS FOR SA | COVID-19



## INTRODUCTION

This document has been developed by Business 4 South Africa (BSA) in response to the global COVID19 pandemic. This document is intended to provide a brief overview of the Regulatory Framework pertaining to the COVID19 in South Africa in so far as workplaces are concerned. The purpose of which is to enable employers to ensure that when they resume operations, at the appropriate time and in line with Government Regulations and/or Directives, they do so in a manner that is safe with minimal risk to the health of employees and the health of members of the public.

Since it is impossible to address every and all aspect of the various industries, this document provides a a general overview for organisations. Whilst these guidelines will provide a basis for organisations to adopt, it is recommended that each sector supplements this guide with workplace procedures specific to its conditions pertaining to its industry.

This document was prepared with information available as at **14 May 2020**. BSA will endeavour to regularly update the information contained herein as and when new information/Regulations/Directives are issued.



## LEVELS OF LOCKDOWN

There are 5 levels are “lockdown” and in each level, Government will prescribe, by way of Regulations, what sectors/services may operate and under what conditions:

<b>LEVEL 5</b>	<b>Drastic measures are required to contain the spread of disease.</b>
<b>LEVEL 4</b>	<b>Some activity will be allowed, subject to extreme precautions</b>
<b>LEVEL 3</b>	<b>Easing of restrictions, including work and social activities.</b>
<b>LEVEL 2</b>	<b>Further easing of restrictions, with some form of social distancing still in place.</b>
<b>LEVEL 1</b>	<b>Most normal activity can resume, providing we follow health guidelines.</b>

At the time of publishing this Guideline (14 May 2020), level 4 restrictions applied to South Africa.

## APPLICABLE LEGISLATION / DIRECTIVES / GUIDELINES

Employers will be required, when getting ready to resume operations, to consider the following laws, directives and guidelines.

- Disaster Management Act, 2002: Classification of a National Disaster
- Disaster Management Act 2002: Declaration of a National Disaster
- Occupational Health and Safety Act 85 of 1993
- Hazardous Biological Agents Regulations (2001)
- Facilities Regulations, 2004
- Disaster Management Regulations: Alert Level 4 as at 30 April 2020
- Health & Safety Directive issued by the Minister of Employment & Labour on 29 April 2020
- Public Transport Directions as at 4 May 2020
- COIDA Notice: Claims for COVID19 infections at the workplace as at 23 March 2020
- DTIC: Recommended Guidelines for Fabric Masks
- Directions regarding Call Centres providing essential services
- Small Business Development Directions on implementation of provisions relating to essential services during Coronavirus COVID-19 lockdown
- Department of Employment and Labour: COVID19 Workplace Preparedness
- World Health Organisation: Getting your Workplace Ready for COVID19 (19 March 2020)
- Department of Health: COVID19 Environmental Health Guidelines (16 March 2020)
- Department of Health: Rational Use of PPE Guidelines (26 April 2020)



## RISK ASSESSMENTS

Risk Assessments are critically important and a legal requirement in terms of the Occupational Health and Safety Act read together with the Hazardous Biological Agents Regulations.







Before an employer resumes operation, it must conduct a COVID19 specific risk assessment.

The objective of conducting a risk assessment in respect of COVID-19 is to identify what control measures an employer should implement to mitigate the risks identified.

The principles to apply when conducting a risk assessment are as follows:



The following points can be considered when compiling a risk assessment or reviewing it to include COVID-19 risk controls.

 <p>Planning</p>	 <p>Identify Hazards</p>	 <p>Analyse Risks</p>	 <p>Evaluate Risks</p>	 <p>Control Risks</p>	 <p>Monitor and Review</p>
<ul style="list-style-type: none"> <li>Establish a team to do risk assessment.</li> <li>List all the activities or tasks in the workplace.</li> <li>Resources needed while conducting risk assessment.</li> <li>Develop training awareness and communication to be done to ensure employees are informed.</li> </ul>	<ul style="list-style-type: none"> <li>Categorize activities to determine exposure. (e.g. direct contact, indirect contact).</li> <li>Identify hazards from all activities and classify (e.g. biological hazards, environmental hazards).</li> <li>Identify exposure                             <ul style="list-style-type: none"> <li>From community, visitors or contractors.</li> <li>Occupationally acquired.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Examine identified hazards to determine risk and the impact.</li> <li>Classify risks                             <ul style="list-style-type: none"> <li>High risk</li> <li>Medium risk</li> <li>Low risk</li> </ul> </li> <li>Risk Impact                             <ul style="list-style-type: none"> <li>Health (COVID 19)</li> <li>Safety</li> <li>Environmental</li> </ul> </li> <li>Consider risk of vulnerable employees. (Age, Medical conditions, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Determine whether the activity is normal, abnormal or an emergency activity.</li> <li>Establish the methodology to evaluate risk.</li> </ul> <p>Different criteria can be used such as below.</p> <ul style="list-style-type: none"> <li>Severity</li> <li>Probability</li> <li>Exposure</li> </ul>	<p>Hierarchy of controls</p> <ul style="list-style-type: none"> <li><b>Eliminate:</b> change in process to have zero risk.</li> <li><b>Substitute:</b> process to reduce the risk.</li> <li><b>Engineering controls:</b> limit the hazard at its source.</li> <li><b>Administrative controls:</b> work instructions or working procedures.</li> <li><b>Personal protective equipment (PPE):</b> reduces risk by protecting individual and to be considered as last resort.</li> </ul>	<ul style="list-style-type: none"> <li>Monitor and evaluate if the implemented control measures are effective. If not take corrective measures.</li> <li>Review the risk assessment.</li> </ul>

Example of a Risk Assessment Report. Source: Department of Health

COVID-19 Risk Assessment Report			
Site:	Sector*:	Date:	
Department:	Risk Assessor:	Name & Surname	Signature
Work Area/s:	Area Supervisor:	Name & Surname	Signature
Occupations in Area:	Health & Safety Representative:	Name & Surname	Signature

Risk Assessment								
Source of Hazard	Route of exposure	Activities & tasks	Existing Control Measures	Control effectiveness	Risk classification	Additional Controls Required	Responsible person(s)	Due Date/s

### Department of Employment and Labour Exposure Risk Classification

<p><b>LOW EXPOSURE RISK</b></p> <p>Lower exposure risk (caution) jobs are those that do not require contact with people known to be or suspected of being infected with SARS-CoV-2, nor frequent close contact with (i.e. within 2 metre of) the general public.</p>	<p><b>MEDIUM EXPOSURE RISK</b></p> <p>Medium exposure risk jobs include those that require frequent and/or close contact with (i.e. within 2 metres of) people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 persons.</p>	<p><b>HIGH EXPOSURE RISK</b></p> <p>High exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19.</p>	<p><b>VERY HIGH EXPOSURE RISK</b></p> <p>Very high exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19 during specific medical, post-mortem, or laboratory procedures.</p>
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## COMPLIANCE REQUIREMENTS

Set out below is a brief summary of the compliance requirements:

Source	COMPLIANCE REQUIREMENT
Para 7 & 16.1 of the H&S Directive	<p><b>COVID19 Risk assessments to be conducted:</b></p> <p>Conduct or update a risk assessment in respect of COVID-19 and adapt the measures required by the Directive to your specific working environment, taking into account the Risk Assessment Guides published online by the National Department of Health.</p>
Para 16.2 of the H&S Directive	<p><b>Prepare a written COVID19 H&amp;S Policy:</b></p> <p>If an employer employs more than 500 employees, it must prepare a written policy concerning the protection of the health and safety of its employees from COVID-19.</p> <p>This Policy must be signed by the CEO.</p>
Para 16.2 of the H&S Directive	<p><b>Submit the COVID19 Risk Assessments and H&amp;S Policy to health and safety committees:</b></p> <p>If an employer employs more than 500 employees, it must submit a record of its COVID19 risk assessments together with the written policy referred to above to its <b>health and safety committees</b>.</p>
Para 16.2 of the H&S Directive	<p><b>Send COVID19 Risk Assessments and H&amp;S Policy to Provincial Inspector:</b></p> <p>If an employer employs more than 500 employees, it must submit a record of its COVID19 risk assessments together with the written policy referred to above to the <b>Department of Employment and Labour</b>.</p> <p>The written policy and risk assessments must be sent <b>by email</b> to the relevant Chief Provincial Inspectors by email:</p> <p><b>Eastern Cape</b>    <a href="mailto:Lucky.Mkhonto@labour.gov.za">Lucky.Mkhonto@labour.gov.za</a>  <b>Free State</b>     <a href="mailto:Manelisi.Luxande@labour.gov.za">Manelisi.Luxande@labour.gov.za</a>  <b>Gauteng</b>        <a href="mailto:Michael.Msiza@labour.gov.za">Michael.Msiza@labour.gov.za</a>  <b>KZN</b>             <a href="mailto:Edward.Khambula@labour.gov.za">Edward.Khambula@labour.gov.za</a>  <b>Limpopo</b>        <a href="mailto:Phaswane.Tladi@labour.gov.za">Phaswane.Tladi@labour.gov.za</a>  <b>Mpumalanga</b>    <a href="mailto:Nonyaniso.Njwambe@labour.gov.za">Nonyaniso.Njwambe@labour.gov.za</a>  <b>North West</b>     <a href="mailto:Boikie.Mampuru@labour.gov.za">Boikie.Mampuru@labour.gov.za</a>  <b>Western Cape</b>   <a href="mailto:David.Esau@labour.gov.za">David.Esau@labour.gov.za</a></p>



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Para 16.1 of the H&S Directive	<p><b>Display a copy of the COVID19 H&amp;S Policy:</b></p> <p>Prominently display a copy of the written health and safety policy on COVID19, signed by the chief executive officer, in the workplace.</p>
Para 16.3 of the H&S Directive	<p><b>Notify Workers of the Directive issued by the Minister:</b></p> <p>Notify all workers of the contents of the Minister’s Directive and the manner in which it will be implemented.</p>
Reg 16 (6) of the Disaster Management Regs	<p><b>Develop a plan for the phased in return of Employees:</b></p> <p>Employers operating during level 4 must, <b>PRIOR</b> to re-opening, develop a plan for the phased in return of employees. The Plan must correspond with Annexure E to the Regulations and must be available for inspection.</p>
Reg 28 (4) of the Disaster Management Regs	<p><b>Permit to be issued to employees:</b></p> <p>Employees working during level 4 must be issued with a Permit which corresponds with Form 2 of Annexure A. The Permit must be signed by the head of the Institution or a person designated by the Head.</p>
Reg 5 (4) of the Disaster Management Regs	<p><b>Obligations on all businesses:</b></p> <p>All businesses must:</p> <ul style="list-style-type: none"> <li>• Determine the area of floor space in square meters</li> <li>• Based on the information above, determine the number of customers and employees that may be inside the premises at anytime with adequate space available</li> <li>• Take steps to ensure persons queuing inside or outside the premises are able to maintain a distance of one and a half square metres from each other</li> <li>• Provide hand sanitizers at the entrance for use by the public and employees</li> </ul>

Source	COMPLIANCE REQUIREMENT
Regulation 5 (5) of the Disaster Management Regs	<p><b>Adopt Measures regarding which employees should work:</b></p> <ul style="list-style-type: none"> <li>• Enabling employees to work from home or minimizing the need for employees to be physically present at the workplace</li> <li>• Provision for adequate space</li> <li>• Restrictions on face to face meetings</li> <li>• Special measures for employees with KNOWN or disclosed health issues or comorbidities with ANY condition which may place such employees at a higher risk of complications of death if they are infected with COVID19</li> <li>• Special measures for employees who are over the age of 60 who are at higher risk of complications or death if they are infected with COVID19</li> <li>• All courier and delivery services shall provide for minimized personal contact during delivery.</li> </ul>
Para 16.4 of the H&S Directive	<p><b>Employees who are sick or have symptoms:</b></p> <p>Notify employees that if they are sick or have symptoms associated with the COVID-19 that they must not come to work and to take paid sick leave in terms of section 22 of the BCEA</p> <p>(NOTE: it is only paid sick leave for as long as the employee has paid sick leave due to them in terms of the BCEA – normal BCEA rules still apply).</p>
Par 16.5 of the H&S Directive	<p><b>Appoint a Manager to deal with concerns:</b></p> <p>Appoint a manager to address employee or workplace representative concerns and to keep them informed.</p> <p>(Note: it is recommended that the “appointment” is made in writing so that proof is available for the inspectors and so that the manager is fully informed of what he/she is required to do)</p>
Regs 28 (2) (b) & 16 (6) of the Disaster Management Regs	<p><b>Designate a compliance official:</b></p> <p>Designate a compliance official to ensure the safety controls are strictly adhered to and display the name of the official prominently in the store or in a visible area.</p> <p>The compliance official must oversee the implementation of the Workplace Plan (which plan must correspond with Annexure E to the Regs).</p>
Para 16.5 of the H&S Directive	<p><b>Consult health and safety committees:</b></p> <p>If your workplaces have health and safety committees, consult with that committee on the nature of the COVID19 hazards in that workplace and the measures that need to be taken.</p>

Source	COMPLIANCE REQUIREMENT
Para 16.6 of the H&S Directive	<p><b>Compliance measures to be monitored and supervised:</b></p> <p>Implement a monitoring and supervision process to ensure that the measures required by the Directive and the risk assessment plan are strictly complied with.</p>
Para 16.7 of the H&S Directive	<p><b>Minimise number of workers at the workplace:</b></p> <p>As far as practicable, minimize the number of workers on at the workplace at any given time through rotation, staggered working hours, shift systems, remote working arrangements or similar measures in order to achieve social distancing (one and half meters between workers)</p>
Para 16.9 of the H&S Directive	<p><b>Information &amp; Awareness</b></p> <p>Provide workers with information that raises awareness <b>in any form or manner, including where reasonably practicable:</b> leaflets and notices placed in conspicuous places in the workplace.</p> <p>The information to be given to workers is as follows:</p> <ul style="list-style-type: none"> <li>• informing workers of the dangers of the virus,</li> <li>• the manner of its transmission,</li> <li>• the measures to prevent; and</li> <li>• where to go for screening or testing if presenting with the symptoms</li> </ul>
Para 16.10 of the H&S Directive	<p><b>Worker has been diagnosed with COVID-19:</b></p> <p>If a worker has been diagnosed with COVID-19, an employer must do the following:</p> <ol style="list-style-type: none"> <li>1. Inform the Department of Health (phone 0800 02 9999)</li> <li>2. Inform the Department of Employment and Labour.</li> </ol>
Para 16.10 of the H&S Directive	<p><b>Investigation to be conducted by Employer:</b></p> <p>If a worker has been diagnosed with COVID19, an employer must investigate the cause including any control failure and review its risk assessment to ensure that the necessary controls and PPE requirements are in place.</p>
Para 16.11 of the H&S Directive	<p><b>Contact tracing support:</b></p> <p>Employers must give administrative support to any contact-tracing measures implemented by the Department of Health.</p>

Source	COMPLIANCE REQUIREMENT
Para 17 & 18	<p><b>Social distancing between employees:</b></p> <p>Every employer must arrange the workplace to ensure minimal contact between workers and as far as practicable ensure that there is a minimum of one and a half meters between workers while they are working, for example, at their workstations.</p> <p>Depending on the circumstances of the workplace or the nature of the sector, the minimum distance may need to be longer. Reducing the number of workers present in the workplace at any time may assist in achieving the required social distancing.</p> <p><b>Note:</b></p> <p>If it is not practicable to arrange work stations to be spaced at least one and a half metres apart, the employer must-</p> <ul style="list-style-type: none"> <li>• arrange physical barriers to be placed between work stations or erected on work stations to form a solid physical barrier between workers while they are working; or</li> <li>• if necessary, supply the employee free of charge with appropriate PPE based on a risk assessment of the working place.</li> </ul>
Para 19 of the H&S Directive	<p><b>Common Areas:</b></p> <p>Employers must ensure that social distancing measures are implemented through supervision both in the workplace and in the common areas outside the immediate workplace through queue control or within the workplace such as canteens and lavatories.</p> <p>These measures may include dividing the workforce into groups or staggering break-times to avoid the concentration of workers in common areas.</p>
Para 21 of the H&S Directive	<p><b>Symptom Screening:</b></p> <p>Employers must take measures to-</p> <ul style="list-style-type: none"> <li>• screen any worker, at the time that they report for work, to ascertain whether they have any of the observable symptoms associated with COVID-19, namely fever, cough, sore throat, redness of eyes or shortness of breath (or difficulty in breathing);</li> <li>• require every worker to report whether they suffer from any of the following additional symptoms: body aches, loss of smell or loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness; and</li> <li>• require workers to immediately inform the employer if they experience any of the symptoms above while at work.</li> </ul> <p><b>Note: For more specific guidelines see: <a href="#">Department of Health Guidelines for symptom monitoring and management of essential workers for COVID-19 related infection</a></b></p>

Source	COMPLIANCE REQUIREMENT
Para 23 of the H&S Directive	<p><b>Employee shows or reports symptoms:</b></p> <p>If a worker presents with those symptoms, or advises the employer of these symptoms, the employer must –</p> <ul style="list-style-type: none"> <li>• not permit the worker to enter the workplace or report for work; or</li> <li>• if the worker is already at work immediately-                             <ul style="list-style-type: none"> <li>– isolate the worker, provide the worker with a FFP1 surgical mask and arrange for the worker to be transported in a manner that does not place other workers or members of the public at risk either to be self-isolated or for a medical examination or testing; and</li> <li>– assess the risk of transmission,</li> <li>– disinfect the area and the worker's workstation,</li> <li>– refer those workers who may be at risk for screening and take any other appropriate measure to prevent possible transmission.</li> </ul> </li> <li>• ensure that the worker is tested or referred to an identified testing site.</li> <li>• Place the employee on paid sick leave in terms of section 22 of the BCEA or if the employee's sick leave entitlement under the section is exhausted, make application for an illness benefit in terms of clause 4 of the Directive issued on 25 March 2020 on the COVID-19 Temporary Employer Relief Scheme.</li> </ul>
Para 23.5 of the H&S Directive	<p><b>Prevent Discrimination:</b></p> <p>Ensure that employees are not discriminated against on grounds of having tested positive for COVID-19 in terms of section 6 of the Employment Equity Act, 1998.</p>
Para 23.6 of the H&S Directive	<p><b>COIDA Claim:</b></p> <p>If there is evidence that the worker contracted COVID-19 as a result of occupational exposure, lodge a claim for compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 in accordance with Notice 193 published on 3 March 2020.</p>
Para 24 of the H&S Directive	<p><b>Worker tests positive for COVID19</b></p> <p>If a worker has been diagnosed with COVID-19 and isolated in accordance with the Department of Health Guidelines, an employer may only allow a worker to return to work on the following conditions:</p> <ul style="list-style-type: none"> <li>• The worker has undergone a medical evaluation confirming that the worker has been tested negative for COVID-19;</li> <li>• the employer ensures that personal hygiene, wearing of masks, social distancing, and cough etiquette is strictly adhered to by the worker; and</li> <li>• the employer closely monitors the worker for symptoms on return to work.</li> </ul>

Source	COMPLIANCE REQUIREMENT
Para 25 of the H&S Directive	<p><b>Alcohol content of hand sanitizers:</b></p> <p>Hand sanitizers used at the workplace must be at least 70% alcohol content.</p>
Para 26 of the H&S Directive	<p><b>Provision of hand sanitizer:</b></p> <p>Every employer must, free of charge, ensure that –</p> <ul style="list-style-type: none"> <li>• there are sufficient quantities of hand sanitizer based on the number of workers or other persons who access the workplace at the entrance of the workplace, and</li> <li>• in, the workplace which the workers or other persons are required to use;</li> </ul> <p>Every employee <b>who works away from the workplace</b>, other than at home, must be provided with an adequate supply of hand sanitizer.</p>
Para 27 of the H&S Directive	<p><b>Workers who interact with the public:</b></p> <p>If a worker interacts with the public, the employer must provide the worker with sufficient supplies of hand-sanitizer at that worker’s workstation <b>for both the worker and the person with whom the worker is interacting.</b></p>
Para 28.1 of the H&S Directive	<p><b>Work surfaces and Equipment:</b></p> <p>Employers must ensure that work surfaces and equipment are disinfected before work begins, regularly during the working period and after work ends (so at least 3 times a day).</p> <p>“Disinfectant” is not defined in the Directive</p>
Para 28.2 of the H&S Directive	<p><b>Work Areas:</b></p> <p>Employers must ensure that all areas such as toilets, common areas, door handles, shared electronic equipment are <b>regularly cleaned and disinfected.</b></p>
Para 28.3 of the H&S Directive	<p><b>Biometrics Systems:</b></p> <p>Employers must take measures to ensure that they disable biometric systems or make them COVID-19-proof.</p>

Source	COMPLIANCE REQUIREMENT
Para 29 (1 to 3) of the H&S Directive	<p><b>Washing of hands</b></p> <p>Employers must ensure that there are adequate facilities for the washing of hands with soap and clean water.</p> <p>Only paper towels are provided to dry hands after washing – the use of fabric toweling is prohibited.</p> <p>Employers must ensure that workers are required to wash their hands and sanitize their hands regularly while at work.</p>
Para 29.4 of the H&S Directive	<p><b>Workers interacting with public:</b></p> <p>Employers must ensure that workers interacting with the public are <b>instructed</b> to sanitize their hands between each interaction with public.</p>
Para 29.5 of the H&S Directive	<p><b>Public surfaces:</b></p> <p>Surfaces that workers and members of the public come into contact with are routinely <b>cleaned and disinfected</b>.</p>
Para 31 of the H&S Directive	<p><b>Cloth Masks:</b></p> <p>Employers must provide each of its employees, free of charge, <b>with a minimum of two cloth masks</b>, which comply with the requirement set out in the Guidelines issued by the Department of Trade, Industry and Competition:  <a href="http://www.thedtic.gov.za/wp-content/uploads/Updated_Recommended_Guidelines_Fabric_Face_Masks.pdf">http://www.thedtic.gov.za/wp-content/uploads/Updated_Recommended_Guidelines_Fabric_Face_Masks.pdf</a></p> <p>The cloth masks must be used by the employee to wear while at work and while commuting to and from work.</p> <p>Employers must also require any other workers to wear masks in the workplace.</p>
Para 32 of the H&S Directive	<p><b>Replaceability of cloth masks</b></p> <p>The number and replaceability of cloth masks that must be provided to an employee or required of other workers must be determined in accordance with any sectoral guideline and in the light of the employee or worker’s conditions of work, in particular, where these may result in the mask becoming wet or soiled.</p>
Para 33 of the H&S Directive	<p><b>Training: cloth masks</b></p> <p>Every employer must ensure that workers are informed, instructed, trained and instructed as to the correct use of cloth masks.</p>

Source	COMPLIANCE REQUIREMENT
Para 34 of the H&S Directive	<p><b>Washing and care of masks:</b></p> <p>An employer must <b>make appropriate arrangements</b> for the washing, drying and ironing of cloth masks in accordance with the DTI Guidelines: <a href="http://www.thedtic.gov.za/wp-content/uploads/Updated_Recommended_Guidelines_Fabric_Face_Masks.pdf">http://www.thedtic.gov.za/wp-content/uploads/Updated_Recommended_Guidelines_Fabric_Face_Masks.pdf</a></p>
Para 35 of the H&S Directive	<p><b>Your risk assessment takes precedence over cloth masks:</b></p> <p>The general requirement for workers to wear masks does not derogate from the fact that, where a risk assessment indicates that PPE is required, those categories of workers must be provided with the accredited PPE in accordance with Department of Health guidelines.</p>
Regulation 5 (3) of the Disaster Management Regulations	<p><b>Cloth masks to be provided to employees:</b></p> <p>An employer must provide every employee who may come into direct contact with members of the public as part of their duties with a cloth face mask to cover his or her nose and mouth or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth.</p>
Regulation 5 (2) of the Disaster Management Regulations	<p><b>Cloth masks to be used for public transport and inside premises</b></p> <p>No person will be allowed to use any form of public transport, or enter a building, place or premises, if they do not wear a cloth mask or a homemade item that covers the nose and mouth when in a public place, or another appropriate item to cover the nose and mouth</p>



Source	COMPLIANCE REQUIREMENT
<p>Para 37 of the H&amp;S Directive</p>	<p><b>Employees who interact with the Public:</b></p> <p><b>Social Distancing:</b> Depending on what is <b>reasonably practicable</b> given the nature of the workplace, every employer must</p> <ul style="list-style-type: none"> <li>• arrange the workplace to ensure that there is a distance at least one and a half metres between workers and members of the public or between members of the public; or</li> <li>• put in place physical barriers or provide workers with face shields or visors.</li> </ul> <p><b>Screening of members of public:</b> Depending on what is <b>reasonably practicable</b> given the nature of the workplace, every employer must <b>if appropriate</b>, undertake symptom screening measures of persons other than the employees entering the workplace with due regard to available technology and any guidelines issued by the Department of Health. <b>(Note: BSA is not aware of any guidelines in this regard having been issued as yet)</b></p> <p><b>Notices for members of the Public:</b> Depending on what is <b>reasonably practicable</b> given the nature of the workplace, every employer must <b>if appropriate</b>, display notices advising persons other than employees entering the workplace of the precautions they are required to observe while in the workplace.</p> <p><b>Members of the public to wear masks inside your premises:</b> Depending on what is <b>reasonably practicable</b> given the nature of the workplace, every employer must require members of the public, including suppliers, to wear masks when inside their premises.</p>
<p>Regulation 28 (2) (a) of the Disaster Management Regulations</p>	<p><b>Social distancing of CUSTOMERS</b></p> <p>Every person in control of a retail store or institution must take steps to ensure that customers keep a distance of at least one and a half metres from each other.</p>
<p>Para 38 of the H&amp;S Directive</p>	<p><b>Ventilation:</b></p> <p>Every employer must –</p> <ul style="list-style-type: none"> <li>• keep the workplace well ventilated by natural or mechanical means to reduce the SARS-CoV-2 viral load;</li> <li>• where <b>reasonably practicable</b>, have an effective local extraction ventilation system with high-efficiency particulate air HEPA filters, which is regularly cleaned and maintained, and its vents do not feed back in through open windows;</li> <li>• ensure that filters are cleaned and replaced in accordance with the manufacturer's instructions by a competent person.</li> </ul>

Source	COMPLIANCE REQUIREMENT
Para 39 of the H&S Directive	<p><b>Other PPE</b></p> <p>Every employer must check regularly on the websites of the National Department of Health<sup>1</sup>, National Institute of Communicable Diseases<sup>2</sup> and the National Institute for Occupational Health<sup>3</sup> whether any additional PPE is required or recommended in any guidelines given the nature of the workplace or the nature of a worker's duties.</p>
Para 41 of the H&S Directive	<p><b>Worker obligations:</b></p> <p>In addition to the obligations of employees under the OHS Act, every worker is obliged to comply with measures introduced by their employer as required by the Directive.</p>

<sup>1</sup><http://www.health.gov.za/>

<sup>2</sup><https://www.nicd.ac.za/>

<sup>3</sup><http://www.nioh.ac.za/>

## VULNERABLE WORKERS

The Disaster Management Regulations (30 April 2020 version) consider employees above the age of 60 and/or employees with known or disclosed health issues or comorbidities at a higher risk of complications or death if they are infected with COVID-19.

For the purposes of an employer's Workplace Plan (as required in terms of the Disaster Management Regulations), an employer must identify who its vulnerable workers are. Once these individuals are identified, an employer should do an assessment of whether these employees will be required to report for duty at the workplace or whether they will be required to stay at home. This will be determined by whether the employer is able to implement "**special measures**" for those employees who are considered to be vulnerable.

The Regulations do not prescribe what those special measures must be. These are, nevertheless, measures other than the "normal / ordinary" measures that must be taken. "Special measures" would be additional measures to protect this group of vulnerable workers. These could include additional personal protective equipment (such as visors), workplace redesign where possible, temporary allocation of alternative functions.

If vulnerable workers are able to work from home, they should. If they cannot, when they are at work, the employer must take special measures to protect them.

**Taking the above into account, when an employer prepares its Workplace Plan, it must compile a list of employees comprising the following categories:**



Those who can  
work from home



Those who are  
older than 60



Those with health conditions  
or comorbidities

An employee may fall into more than one category. For example, an employee may be older than 60, have an underlying health condition and be able to work from home. Or, the employee may fall into only one category, e.g. the employee may be older than 60, not be able to work from home and have no underlying health condition.

In order to prepare this list, the employer would need to request the information from the employees. This is a **voluntary disclosure** and the general rule that such information may only be processed with the **employee's informed consent** shall apply. An employee can accordingly not be sanctioned for not making the disclosure. Where the employer is aware, as a result of a previous voluntary disclosure by the employee, of the employee's underlying health condition, it may use this information for purposes of compiling the list. Certain employers have on-site clinics who hold the employees' health information. This information is not necessarily "in the possession" of the employer, and independent advice may need to be obtained regarding the processing and use of such information.

Workplace plans must be available for inspection. For purposes of ensuring the **privacy** of the employees, it would be advisable, when preparing the lists of employees, to use **employee numbers** as opposed to names and surnames, and for employers to treat this information as confidential and thus restrict access thereto.

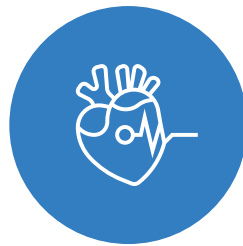
The **health conditions** that may need to be taken into account include, for example:



Chronic lung disease or moderate to severe asthma



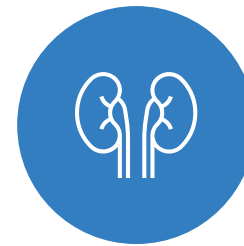
Diabetes



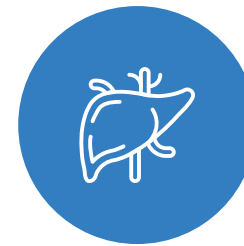
Serious heart conditions



Severe obesity



Chronic kidney disease undergoing dialysis



Liver disease



Immune-compromised individuals

(in this regard many conditions can cause a person to be immuno-compromised, including cancer treatment, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and other immune weakening medications).

## REPORTING REQUIREMENTS IF AN EMPLOYEE CONTRACTS COVID19 AT THE WORKPLACE

In the event that an employee is diagnosed with occupationally acquired Novel Coronavirus Disease, it must be reported in the manner prescribed in the Directive issued by the Compensation Commissioner on 20 March 2020 as follows:

- Completing and Employers Report of an Occupational Disease (W.CL.1)
- Notice of Occupational Disease and Claim for Compensation (W.CL.14)
- Exposure and Medical Questionnaire.
- First Medical Report (W.CL.22) indicating U07.1 as the ICD-10 code.
- Exposure History (W.CL.110) and / or any other employment history declaration.
- A medical report stating the Employee's symptoms.
- Progress report (W.CL.26) for each consultation.
- Final Medical Report (W.CL.26) when the Employee's condition reached MMI.
- An affidavit by the employee if Employer cannot be traced.



## PUBLIC TRANSPORT DURING LEVEL 4 RESTRICTIONS

On 04 May 2020, the Minister published, in the Government Gazette, Directions on the use of Public Transport services and facilities. Set out below is a brief overview of the requirements that should be taken note of (particularly by employers who have employees who rely on public transport to travel to and from work). Employers should educate its employees on these transport Directions so that they are fully informed:

- All owners of public transport facilities must on regular intervals sanitise their facilities and provide adequate sanitisers or other hygiene dispenser for washing of hands and disinfection equipment for users of public transport services.
- All operators must ensure that public transport vehicles are sanitized before picking up and after dropping off passengers.
- Operators must ensure that all public transport vehicles' doors and window handles, arm rest and hand rails are sanitized after every load.
- Passengers must be encouraged to sanitise after they enter the vehicle and after getting off the vehicle
- All public transport operators must provide disinfection information materials and procedures.
- All drivers must wear a cloth face mask or a homemade item that covers nose and mouth.
- The sanitisers used to sanitise all public transport vehicles must have a minimum of 60% alcohol content.
- No person will be allowed to use any form of Public Transport or enter a building, place or premises if they do not wear a cloth face mask or a homemade item that covers nose and mouth.
- Public transport is permitted to operate from 05h00 to 19h00 and the driver must ensure the drop off is completed by 19h00.
- Intra- provincial, metropolitan areas and districts travel by private vehicle is permitted to operate from 5h00 to 20h00 with a grace period of hour within which to complete the journey at 21h00.

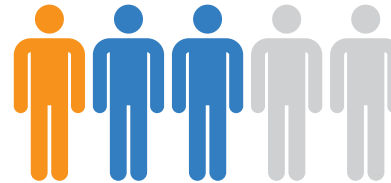


# RETURN TO WORK DURING COVID19

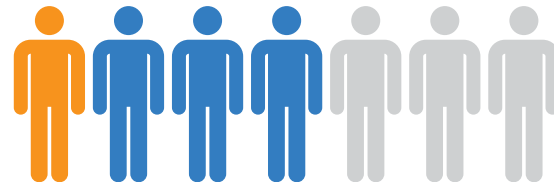
14 May 2020 | South Africa

- The transportation of persons rendering essentials services or permitted service must be in line with the operating shifts, work time schedules as determined by the responsible head of operations, Manager, Head of the Department or a person with responsible authority within such institution. The operating shifts or work schedules or time table should be stamped and signed by such person with authority.
- Hot Food delivery services is permitted to start from 9am to 19:00.
- No Public Transport is allowed between 20h00 to 5h00, save for essential and permitted service utilizing charter service arranged by employer.
- A Public Transport Sedan vehicle is limited to carry not more than 50% of its permissible passenger carrying capacity, sedan vehicle with carrying capacity of 5 persons is allowed to carry two passengers plus a driver (3 persons).
- E- hailing, meter taxis, shuttle services, chauffer driven vehicles are permitted to carry not more than 50% of their permissible passenger carrying capacity as follows:

- Vehicle with a permissible carrying capacity of 5 persons is allowed to carry **two passengers plus a driver (3 persons)**



- Vehicle with a permissible carrying capacity of 7 passengers is allowed to carry **three passengers plus a driver (4 persons)**



- vehicle with a permissible carrying capacity of 10 passengers is allowed to carry **five passengers plus a driver (6 persons)**



- Mini and Midibus Taxi vehicles must not carry more than 70% of their maximum licensed passenger carrying capacity as follows:

- A minibus licensed to **carry 10 passengers**, is limited to carry a **maximum of 7 passengers plus a driver**.



- A minibus licensed to **carry 15 passengers**, is limited to carry the **maximum of 10 passengers plus a driver**.



- A midibus permitted to **carry a maximum of 22 passengers**, is limited to carry a **maximum of 15 passengers plus a driver**.



- Buses are permitted to carry not more than 50% of their permissible passenger carrying capacity which includes both seating and standing passengers.



## PREVENT SOCIAL STIGMA RELATING TO COVID-19

Social stigma in the context of health is the negative association between a person or group of people who share certain characteristics and a specific disease. In an outbreak, this may mean that people are labelled, stereotyped, discriminated against, treated separately, and/ or experience loss of status because of a perceived link with the disease.

What is Social Stigma?

**The level of stigma associated with COVID-19 is based on 3 main factors:**

1. It is a disease that's new and for which there are still many unknowns.
2. We are often afraid of the unknown; and
3. It is easy to associate that fear with others.

### THE IMPACT OF STIGMA

Stigma can undermine social cohesion and prompt social isolation of groups, which might contribute to a situation where the virus is more, not less, likely to spread. This can result in more severe health problems and difficulties controlling a disease outbreak.

**Stigma can:**

1. Drive people to hide the illness to avoid discrimination
2. Prevent people from seeking health care immediately
3. Discourage them from adopting healthy behaviours

### HOW TO ADDRESS SOCIAL STIGMA:

How we communicate about COVID-19 is critical in supporting people to take effective action to help combat the disease and to avoid fuelling fear and stigma. Employers need to create an environment in which the disease can be discussed and addressed openly, honestly, and effectively. When talking about the coronavirus disease, certain words and language may have a negative meaning for people and fuel stigmatizing attitudes (i.e. suspect, case, isolation). They can perpetuate existing negative stereotypes and assumptions, strengthen false associations between the disease and other factors, create widespread fear, or dehumanise those who have the disease. This can ultimately drive people away from getting screened, tested, and quarantined. It is recommended that inclusive language is adopted that empowers people.

